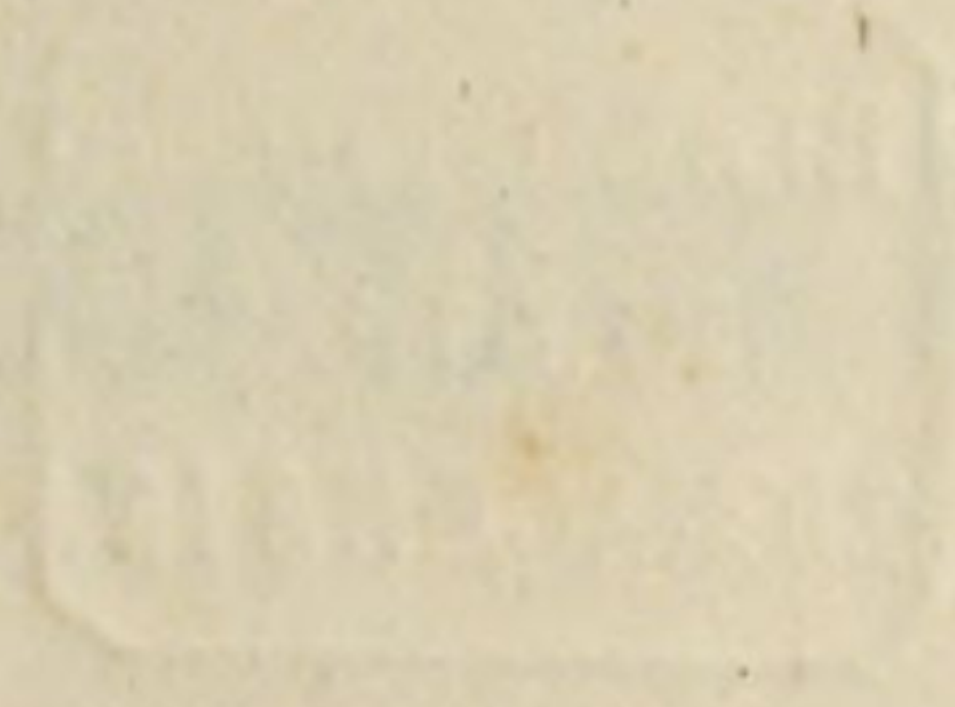


Am. B. 3040

(223)

2

Proceedings



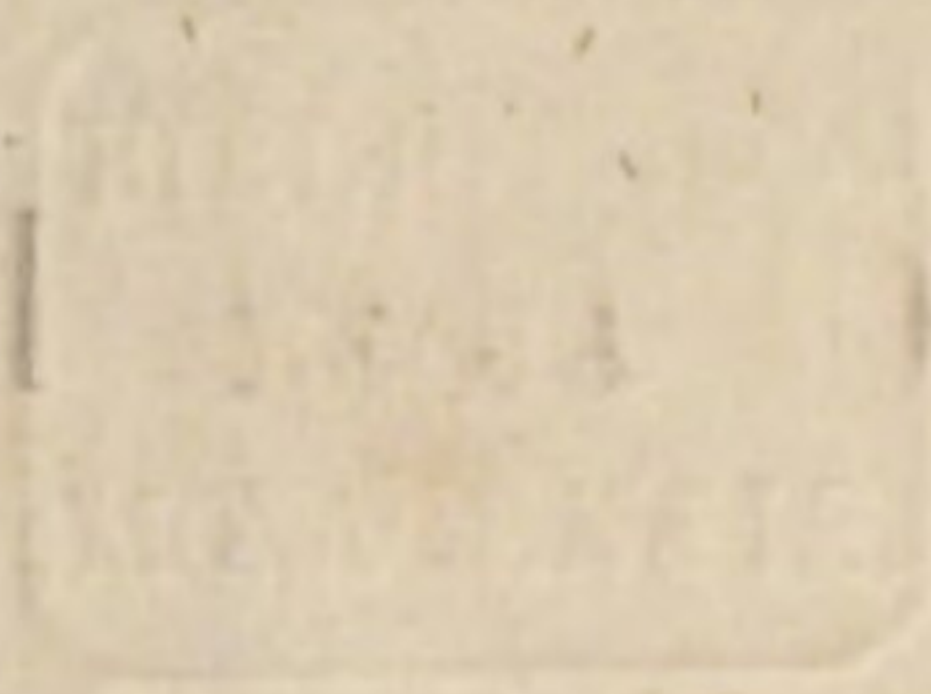
UNITED STATES OF AMERICA

1871

LIBRARY

OF THE

CONGRESS



INDEX

TO THE

SENATE EXECUTIVE DOCUMENTS

FOR THE

FIRST SESSION OF THE THIRTY-NINTH CONGRESS.

OF THE

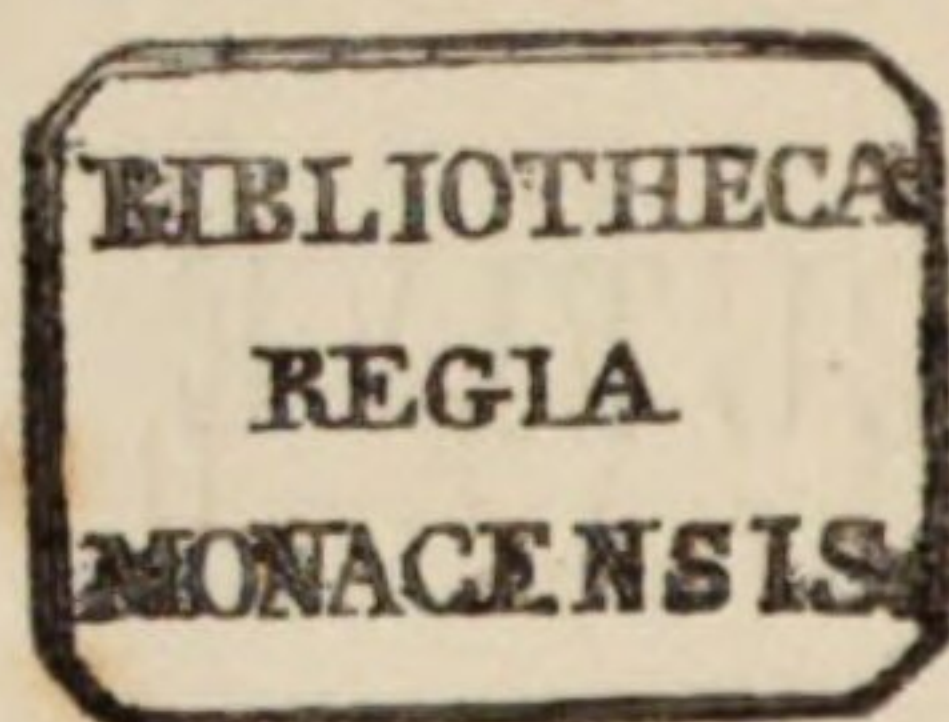
UNITED STATES OF AMERICA.

1865-'66.

IN TWO VOLUMES.

Volume 1.....	No. 1 to document No. 26, inclusive.
Volume 2.....	No. 27 to document No. 65, inclusive.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1866.



INDEX

TO

THE EXECUTIVE DOCUMENTS

OF THE

SENATE OF THE UNITED STATES.

FIRST SESSION THIRTY-NINTH CONGRESS.

1865-'66.

Subject.	Vol.	No.	Page.
A.			
Academy for the year 1866. Report of the board of visitors to the Naval	2	53	1
African race, and the action of the executive department of the government relative thereto. Correspondence relative to colonization of persons of the	2	55	1
Agricultural colleges. Message of the President of the United States informing Congress of acceptance by the State of Georgia of grant of lands for the benefit of	2	52	1
Alabama asking an extension of time for the completion of certain railroads in said State. Memorial of legislature of	2	33	1
Alabama, Mississippi, Arkansas, Florida, and Louisiana. Message of the President of the United States recommending extension of time for completion of certain land-grant railroads in the States of	2	37	1
Amendment to the Constitution of the United States. Joint resolution proposing an	2	57	3
Andrews, of South Carolina. Proceedings of the military commission by which was tried and convicted E. W.	1	11	2
Arcachon, near Bordeaux, France. Correspondence relative to proposed exhibition of fishery and water culture to be held at	2	29	1
Army, what number of officers are holding commissions, where stationed, and what duties they are performing. Letter of Secretary of War relative to number of men now in service in the regular	1	12	1
Arms or munitions of war over the frontier. Correspondence relative to General Order No. 17, issued by the commandant of the department of California prohibiting the exportation of	2	40	1
Army. Report of board of officers relative to brevet appointments in regular	2	41	2
Arkansas. Report of Major General Sherman on condition of department of	1	20	1
Arkansas, Alabama, Mississippi, Florida, and Louisiana. Message of the President of the United States, recommending extension of time for completion of certain land-grant railroads in the States of	2	37	1
Attorney General. (For annual report see House Doc. of this session..			
Attorney General, communicating information relative to the case of The United States <i>vs.</i> The city of San Francisco. Letter of	1	24	1
Austria for Mexico. Correspondence relative to departure of troops from	2	54	
Awards for apprehension of Jeff. Davis. Report of Secretary of War relative to	2	64	1

Subject.	Vol.	No.	Page.
B.			
Board of visitors to the Naval Academy for the year 1866. Report of.	2	53	1
Brevet appointments in regular army. Report of board of officers relative to.....	2	41	2
Brigadier generals of volunteers now in service, where stationed, and what duties they are performing. Statement of the number of.....	1	13	2
Brown and C. C. Reese, of Georgia. Proceedings of a military commission by which were tried and convicted J. M.....	1	11	40
Bureau for the relief of freedmen and refugees." Message of the President of the United States vetoing the bill (S. 60) to amend an act entitled "An act to establish a.....	1	25	1
C.			
California. Correspondence relative to General Order No. 17, prohibiting the exportation of arms or munitions of war over the frontier of department of.....	2	40	1
Canal. Report of board of engineers on improvement of Washington city.....	2	35	2
Canals. Report of Secretary of the Navy relative to interoceanic railroads and.....	2	62	1
Chaffee and John Evans to the President of the United States relative to admission of the State of Colorado into the Union. Letter of J. B.....	1	10	1
Chase to the President of the United States relative to holding circuit court in the district of Virginia. Letter of Chief Justice.....	1	19	1
Chicago and Rock Island railroad at Rock Island, Illinois. Report of Chief of Ordnance relative to fixing location of.....	2	32	1
Cholera. Correspondence relative to international conference at Constantinople on the subject of.....	1	23	1
Civil courts in the insurrectionary States for the punishment of crimes against the United States. Correspondence relative to establishment of.....	1	19	1
Civil rights, and furnish the means of their vindication." Message of the President of the United States vetoing the bill (S. 61) "to protect all persons in the United States in their.....	2	31	1
Clerks of the circuit courts of the United States in the first, second, third, fourth, seventh, eighth, and ninth judicial circuits. Statement of amounts paid to.....	1	15	4
Collectors of Vermont and Kentucky. Report of Secretary of the Treasury relative to fines, &c., collected by.....	2	65	1
Collector of customs at Mobile, Alabama. Oath of office taken by Albert Elmore as.....	2	59	1
Colleges for agriculture and mechanic arts. Message of the President of the United States informing Congress of acceptance by the State of Georgia of lands granted for the benefit of.....	2	52	1
Colonization of persons of the African race, and the action of the executive department in reference thereto. Correspondence relative to.....	2	55	1
Colorado into the Union. Message of the President of the United States, transmitting letter of John Evans and J. B. Chaffee, and other information relative to admission of the State of.....	1	10	1
Colorado into the Union. Message of the President of the United States vetoing bill for the admission of the State of.....	2	45	1
Colored persons in southern States for the purpose of selling them as slaves in Cuba. Report of Secretary of State relative to kidnapping.	2	30	1
Commissioners to make awards to owners of slaves enlisted in the military service of the United States. Letter of Secretary of War relative to appointment of.....	1	9	1
Commissioners of Freedmen's Bureau made since December 1, 1865. Reports of assistant.....	2	27	3
Commissioners of the circuit courts of the United States in first, second, third, fourth, seventh, eighth, and ninth judicial circuits. Statement of fees and emoluments received by.....	1	15	2
Condition of southern people and of States lately in rebellion. Report of Benjamin C. Truman relative to.....	2	43	1

Subject.	Vol.	No.	Page.
Confinement of Jefferson Davis. Message of the President of the United States giving reasons and causes for.....	1	7	1
Constitution of the United States." Report of Secretary of State relative to submission to legislatures of the several States of "Joint resolution proposing an amendment to the.....	2	57	2
Consuls and consular agents. Message of the President of the United States relative to fees collected by.....	2	63	1
Contractors for vessels-of-war and steam machinery in the years 1862 and 1863 on said contracts. Statement of losses by.....	1	18	62
Cuba. Correspondence relative to kidnapping colored persons in southern States to be sold as slaves in.....	2	30	1
D.			
Davis is still held in confinement, and why he is not put upon his trial. Message of the President of the United States giving the causes and reasons why Jefferson.....	1	7	1
Davis. Report of Secretary of War relative to awards for apprehension of Jefferson.....	2	64	1
Davis relative to interoceanic railroads and canals. Report of Rear-Admiral C. H.....	2	62	2
Decree of the so-called emperor of Mexico of the 3d of October, 1865. Message of the President of the United States communicating information relative to.....	1	5	1
Delafield relative to improvement of harbors on Lake Michigan, in Wisconsin, and also at Superior on Lake Superior. Report of Chief Engineer.....	1	28	1
E.			
Elmore as collector of customs at Mobile, Alabama. Oath of office taken by Albert.....	2	59	1
Emperor of Mexico of the 3d of October, 1865. Decree of the so-called.....	1	5	3
Evans and J. B. Chaffee to the President of the United States relative to the admission of the State of Colorado into the Union. Letter of John.....	1	10	1
European troops in Mexico. Despatch of United States minister at Paris relative to employment of.....	2	56	1
Exhibition of fishery and water culture to be held at Arcachon, near Bordeaux, in France. Correspondence relative to proposed.....	2	29	1
Expenditures of the United States for the various public works of the government in each State and Territory in the Union from the year 1860 to the close of 1865. Statement of.....	2	60	2
Exportation of arms or munitions of war over the frontier. Correspondence relative to General Order No. 17, issued by commander of department of California prohibiting.....	2	40	1
F.			
Fees collected by consuls and consular agents. Message of the President of the United States relative to.....	2	63	1
Fines, &c., collected by collectors of Vermont and Kentucky. Report of Secretary of the Treasury relative to.....	2	65	1
Fishery and water culture to be held at Arcachon, near Bordeaux, in France. Correspondence relative to proposed exhibition of.....	2	29	1
Florida. Message of the President of the United States recommending extension of time for the completion of certain land-grant railroads in.....	2	37	1
Fox river, Wisconsin. Report of chief engineer relative to improvement of harbor at mouth of.....	2	36	1
Freedmen's Bureau in seceded States. Message of the President of the United States relative to report of General Howard upon the operations of.....	1	4	1
Freedmen and Refugees." Message of the President of the United States vetoing the bill (S. 60) to amend the act entitled "An act to establish a Bureau for.....	1	25	1

Subject.	Vol.	No.	Page.
Freedmen's Bureau made since December 1, 1865. Reports of assistant commissioners of.....	2	27	3
French troops. Message of the President of the United States relative to occupation of the republic of Mexico by.....	1	6	1
Fresh-water basin for iron-clad vessels of the United States navy, near Portland, Maine. Report of board of examiners on.....	2	58	1
G.			
Generals of volunteers now in service, where stationed, and what duties they are performing. Statement of number of major and brigadier.....	1	13	2
General Order No. 17, issued by commander of the department of California, prohibiting the exportation of arms or munitions of war over the frontier. Correspondence relative to.....	2	40	1
Georgia requesting a suspension of the collection of internal revenue tax due from that State, pursuant to act of Congress of August 5, 1861. Resolutions of legislature of.....	2	51	1
Georgia of lands for the benefit of colleges for agriculture and mechanic arts. Message of the President of the United States informing Congress of acceptance by.....	2	52	1
Grant relative to condition of States lately in rebellion. Report of Lieutenant General.....	1	2	106
Gwin to induce emigration of dissatisfied citizens of the United States to Mexico. Message of the President of the United States communicating information relative to the plans of Dr. William.....	1	8	1
H.			
Harbor at the mouth of Fox river, Wisconsin. Report of chief engineer relative to improvement of.....	2	36	1
Harper's Ferry. Report of Chief of Ordnance relative to the present condition of public works at.....	2	60	1
Holt to D. L. Yulee relative to the effect of legislative action in increasing pay of mail contractors. Letter of Postmaster General.....	2	44	2
Howard upon the condition of seceded States and the operations of the Freedmen's Bureau therein. Message of the President of the United States relative to report of General.....	1	4	1
I.			
Improvement of harbor on Lake Michigan, in Wisconsin, and at Superior, Lake Superior. Report of Chief Engineer Delafield on.....	2	28	1
Interior, Secretary of. (For annual report see House Doc.)			
Interior, communicating copies of all documents, papers, and maps relating to the Sioux City branch of Union Pacific railroad. Letter of Secretary of.....	1	14	1
Internal Revenue of seizure of property of J. A. Rhomberg & Company, of Dubuque, Iowa, for violation of revenue laws. Report of Commissioner of.....	1	21	2
International conference at Constantinople on the subject of cholera. Correspondence relative to.....	1	23	1
Internal revenue tax due from that State pursuant to act of Congress of August 5, 1861. Resolutions of the legislature of Georgia asking suspension of.....	2	51	1
Interoceanic railroads and canals. Report of Rear-Admiral C. H. Davis upon.....	2	62	2
Iron-clad vessels of the United States navy. Report of board of examiners upon site near Portland, Maine, for fresh-water basin for...	2	58	1
K.			
Kentucky. Report of Secretary of the Treasury relative to fines, &c., collected by collectors of Vermont and.....	2	65	1
Kidnapping colored persons in the southern States for the purpose of selling them as slaves in Cuba. Correspondence relative to.....	2	30	

Subject.	Vol.	No.	Page.
L.			
Lake Michigan, in Wisconsin. Report of Chief Engineer Delafield on improvement of harbors on.....	2	28	1
Lands granted to the respective States for internal improvements from July 1, 1860, to December 31, 1865. Statement of amount and value of.....	2	61	10
Louisiana. Message of the President of the United States, recommending extension of time for completion of certain land-grant railroads in the State of.....	2	37	1
M.			
Mail contractors. Letter of Postmaster General Holt to D. L. Yulee relative to effect of legislative action in increasing pay of.....	2	44	2
Maury to induce dissatisfied citizens of the United States to emigrate to Mexico. Message of the President of the United States relative to plans of M. F.....	1	8	1
Major generals of volunteers now in service, where stationed, and what duty they are performing. Statement of the number of.....	1	13	2
McMillan and Neill McGill, of North Carolina. Proceedings of a military commission by which were tried and convicted J. L.....	1	11	150
Mexico, of the 3d of October, 1865. Decree of Maximilian, the so-called emperor of.....	1	5	3
Mexico by French troops. Message of the President of the United States relative to occupation of the republic of.....	1	6	1
Mexico. Message of the President of the United States, communicating information relative to plans of Dr. William Gwin and M. F. Maury to induce dissatisfied citizens of the United States to emigrate to.....	1	8	1
Mexican territory. Copy of negotiations for the transit of United States troops, in 1861, through.....	1	17	2
Mexico. Correspondence relative to departure of troops from Austria for.....	2	54	2
Mexico. Despatch of United States Minister at Paris relative to employment of European troops in.....	2	56	1
"Meteor" at New York. Correspondence relative to seizure and detention of steamship.....	2	59	2
Military commissions by which were tried and convicted E. W. Andrews, of South Carolina; J. M. Brown and C. C. Reese, of Georgia; J. L. McMillan and Neill McGill, of North Carolina. Letter of the Secretary of War, communicating copies of the records and proceedings, with the review of the same by the Judge Advocate General of the.....	1	11	1
Mississippi river. Memorial of Brigadier General B. S. Roberts, United States army, setting forth his plan for reclaiming waste and swamp lands of lower basin of.....	1	22	2
Mississippi. Message of the President of the United States recommending extension of time for completion of certain land-grant railroads in.....	2	37	1
Missouri State militia mustered into the service of the United States. Opinion of Solicitor of the War Department relative to payment of one hundred dollars bounty to.....	2	47	1
Mobile, Alabama. Oath of office taken by Albert Elmore as collector of customs at.....	2	59	1
Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market. Veto of the bill to enable the New York and.....	2	50	1
N.			
Naval Academy for the year 1866. Report of the board of visitors to.. Navy, Secretary of. (For annual report see House Doc.)	2	53	1
Navy, communicating copy of record of proceedings of a board of navy officers appointed to inquire into and determine the losses of contractors for vessels-of-war and steam machinery, on their said contracts made by the department in the years 1862 and 1863. Letter of Secretary of.....	1	18	1

Subject.	Vol.	No.	Page.
Navy, communicating copy of orders of department which deprive officers of the navy who are not on duty of the privileges of citizens. Letter of Secretary of.....	2	42	1
Navy. Report of board of examiners upon a site, near Portland, Maine, for fresh-water basin for iron-clad vessels of United States..	2	58	1
Navy, communicating report of Rear-Admiral C. H. Davis, upon interoceanic railroads and canals. Letter of the Secretary of.....	2	62	1
Neutrality on the part of the army occupying the right bank of the Rio Grande. Message of the President of the United States declining to communicate information relative to violation of.....	1	16	1
New York. Correspondence relative to seizure and detention of steamship "Meteor" at.....	1	39	2
New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of public lands not now in market." Veto of the bill "to enable the.....	2	50	1
O.			
Oath of office prescribed by law. Letter of Secretary of War relative to employment of persons in his department that have not taken the	1	1	1
Oath of office prescribed by law. Letter of the Secretary of the Treasury relative to employment in his department of persons who have not taken the.....	1	3	1
See on same subject.....	1	3 Pt.2	1
Oath of office taken by persons in employ of that department. Letter of Postmaster General communicating information relative to.....	2	34	1
Oath of office prescribed by law. Letter of the Secretary of the Treasury communicating information as to persons being permitted to enter upon the duties of office without taking the.....	2	38	1
Oath of office as collector of customs at Mobile, Alabama, taken by Albert Elmore. Copy of.....	2	59	1
Officers holding commissions in the regular army, where stationed, and what duties they are performing. Statement of the number of..	1	12	2
Officers of the navy not on duty of their privileges as citizens. Orders of Navy Department depriving.....	2	42	3
Orders of Navy Department depriving officers not on duty of their privileges as citizens. Letter of the Secretary of the Navy relative to..	2	42	1
P.			
Pacific railroad from Sioux City, Iowa. Letter of the Secretary of the Interior communicating documents, papers, and maps relative to branch of Union.....	1	14	1
Portland, Maine. Report of board of examiners relative to fresh-water basin for iron-clad vessels of the United States navy near.....	2	58	1
Postmaster General. (For annual report see House Doc.)			
Postmaster General, communicating information in regard to oath of office required to be taken by persons in the employ of that department. Letter of.....	2	34	1
Postmaster General, communicating copy of letter from Hon. D. L. Yulee to the department relative to effect of legislative action in increasing the pay of mail contractors, &c. Letter of.....	2	44	1
Postmaster General, relative to establishment of a telegraph in connexion with the postal system. Letter of.....	2	49	1
President of the United States. (For annual message see House Doc.)			
President of the United States, communicating information in relation to the condition of the States lately in rebellion; also reports of Carl Schurz and Lieutenant General Grant on the same subject. Message of.....	1	4	1
President of the United States relative to communication of report of General Howard on condition of seceded States, and operations of Freedmen's Bureau therein. Message of.....	1	4	1
President of the United States, relative to the occupation of the republic of Mexico by French troops. Message of.....	1	6	1
President of the United States, relative to the charges and reasons upon and for which Jefferson Davis is still held in confinement, and why he has not been put upon his trial. Message of.....	1	7	1

Subject.	Vol.	No.	Page.
President of the United States relative to plans of Dr. Wm. Gwin and M. F. Maury to induce dissatisfied citizens of the United States to emigrate to Mexico. Message of..... (For list of accompanying papers see page 2 of document.)	1	8	1
President of the United States, transmitting letter of John Evans and J. B. Chaffee, and other information relative to the admission of the State of Colorado into the Union. Message of.....	1	10	1
President of the United States, declining to communicate information as to the present condition of affairs on southeastern frontier; and especially in regard to violation of neutrality on the part of the army occupying the right bank of the Rio Grande. Message of....	1	16	1
President of the United States, communicating information relative to a negotiation for the transit of United States troops, in 1861, through Mexican territory. Message of..... (For list of accompanying papers see page 1 of document.)	1	17	1
President of the United States, communicating correspondence with Chief Justice Chase in relation to holding civil courts in the insurrectionary States for the trial of crimes against the United States. Message of.....	1	19	1
President of the United States, communicating report of General Sherman on the condition of Arkansas. Message of.....	1	20	1
President of the United States, communicating correspondence relative to a proposed international conference at Constantinople upon the subject of cholera. Message of..... (For list of accompanying papers see page 1 of document.)	1	23	1
President of the United States, returning bill (S. 60) "to amend an act entitled 'An act to establish a Bureau for the relief of Freedmen and Refugees,' and for other purposes," with his objections thereto. Message of.....	1	25	1
President of the United States, communicating information in regard to the provisional governors of States. Message of..... (For list of accompanying papers see page 2 of document.)	1	26	1
President of the United States, communicating reports of assistant commissioners of Freedmen's Bureau made since December 1, 1865. Message of..... (For list of accompanying papers see table of documents.)	2	27	1
President of the United States, transmitting communications from United States minister at Paris in regard to a proposed exhibition of fishery and water culture, to be held at Arcachon, near Bordeaux, in France. Message of..... (For list of accompanying papers see page 1 of document.)	2	29	1
President of the United States, communicating report from the Secretary of State upon the subject of the supposed kidnapping of colored persons in the southern States for the purpose of selling them as slaves in Cuba. Message of..... (For list of accompanying papers see page 1 of document.)	2	30	1
President of the United States, returning the bill (S. 61) "to protect all persons in the United States in their civil rights, and furnish the means of their vindication," with his objections thereto. Message of.....	2	31	1
President of the United States, transmitting memorial of the legislature of Alabama asking extension of time for completion of certain railroads in said State. Message of.....	2	33	1
President of the United States, communicating information respecting the improvement of Washington City canal. Message of.....	2	35	1
President of the United States, recommending an extension of time for the completion of certain land-grant railroads in the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana. Message of..	2	37	1
President of the United States, communicating information relative to seizure and detention at New York of steamship "Meteor." Message of..... (For list of accompanying papers see page 1 of document.)	2	39	1
President of the United States, communicating correspondence relative to General Order No. 17, issued by the commander of the department of California, prohibiting the exportation of arms or munitions of war over the frontier. Message of..... (For list of accompanying papers see page 2 of document.)	2	40	1

Subject.	Vol.	No.	Page.
President of the United States, communicating copy of proceedings of board of officers in relation to brevet appointments in the regular army. Message of.....	2	41	1
President of the United States, communicating report of Benjamin C. Truman relative to condition of the southern people and the States in which rebellion existed. Message of.....	2	43	1
President of the United States, returning the bill for the admission of the State of Colorado into the Union, with his objections thereto. Message of.....	2	45	1
President of the United States, communicating correspondence between Secretary of State and Cornelius Vanderbilt, of New York, relative to joint resolution of 28th of January, 1864, upon the subject of the gift of the steamer Vanderbilt to the United States. Message of.....	2	46	1
President of the United States, announcing the death of Lieutenant General Winfield Scott. Message of.....	2	48	1
President of the United States, returning bill (S. 203) "to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market," with his objections thereto. Message of.....	2	50	1
President of the United States, transmitting copy of resolutions of legislature of Georgia requesting a suspension of the collection of the internal revenue tax due from that State, pursuant to the act of Congress of the 5th of August, 1861. Message of.....	2	51	1
President of the United States, informing Congress of the acceptance, by the State of Georgia, of grant of lands for the benefit of agricultural and mechanical colleges. Message of.....	2	52	1
President of the United States, communicating copy of report of board of visitors to the Naval Academy for the year 1866. Message of....	2	53	1
President of the United States, communicating information in regard to the departure of troops from Austria for Mexico. Message of..... (For list of accompanying papers see page 1 of document.)	2	54	1
President of the United States, communicating information touching the transactions of the executive branch of the government respecting the transportation, settlement, and colonization of persons of the African race. Message of..... (For list of accompanying papers see table of Ex. Doc.)	2	55	1
President of the United States, communicating copy of despatch of United States minister at Paris relative to employment of European troops in Mexico. Message of.....	2	56	1
President of the United States, communicating report of Secretary of State, showing proceedings relative to submission of "joint resolution proposing an amendment to the Constitution of the United States" to the legislatures of the several States for ratification. Message of.....	2	57	1
President of the United States, communicating report of board of examiners appointed to examine a fresh-water basin for iron-clad vessels of the United States navy near Portland, Maine. Message of..	2	58	1
President of the United States, communicating statement of the expenditures of the United States for the various public works of the government in each State and Territory in the Union from the year 1860 to the close of the year 1865. Message of.....	2	61	1
President of the United States, communicating information relative to fees collected by consuls and consular agents. Message of.....	2	63	1
Provisional governors of States. Message of the President of the United States, communicating information relative to..... (For list of accompanying papers see page 4 of document.)	1	26	1
Public works of the government in each State and Territory in the Union from the year 1860 to the close of 1865. Statement of expenditures of the United States for the various.....	2	61	2
R.			
Railroad from Sioux City, Iowa. Documents, papers, and maps relating to the branch of the Union Pacific	1	14	1

Subject.	Vol.	No.	Page.
Railroad at Rock Island, Illinois. Report of chief of ordnance relative to fixing location of Chicago and Rock Island	2	32	1
Railroads in said State. Memorial of the legislature of Alabama, asking extension of time for completion of certain	2	33	1
Railroads in the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana. Message of the President of the United States recommending an extension of time for completion of certain land-grant...	2	37	1
Railroads and canals. Report of Rear-Admiral C.H. Davis relative to interoceanic	2	62	2
Reese, of Georgia. Proceedings of a military commission by which were tried and convicted J. M. Brown and C. C	1	11	40
Rio Grande. Message of the President of the United States declining to communicate information relative to violation of neutrality by army occupying right bank of the	1	16	1
Rhomberg & Co., of Dubuque, Iowa. Report of Commissioner of Internal Revenue of the seizure, for violation of revenue laws, of the property of J. A.....	1	21	2
Roberts, setting forth his plan for the reclamation of the waste and swamp lands of the basin of the lower Mississippi. Memorial of Brigadier General B. S.....	1	22	2
Rock Island, Illinois. Report of Chief of Ordnance relative to fixing location of Chicago and Rock Island railroad at	2	32	1
S.			
San Francisco. Letter of Attorney General relative to case of the United States <i>vs.</i> The city of.....	1	24	1
Schurz on the condition of the States of South Carolina, Georgia, Alabama, Mississippi, and Louisiana. Report of Carl.....	1	2	2
Scott. Message of the President of the United States announcing the death of Lieutenant General Winfield.....	2	48	1
Sherman on the condition of the State of Arkansas. Report of Major General	1	20	1
Sioux City branch of Union Pacific railroad. Documents, papers, and maps relative to	1	14	1
Slaves enlisted in the military service of the United States. Letter of Secretary of War relative to appointment of commissioners to make awards to owners of.....	1	9	1
States lately in rebellion. Message of the President of the United States and reports of Carl Schurz and Lieutenaut General Grant relative to condition of.....	1	2	1
State, Secretary of. (For annual report see House Doc.)			
State, relative to kidnapping colored persons from southern States for the purpose of selling them as slaves in Cuba. Report of Secretary of.....	2	30	1
State, relative to submission of "joint resolution proposing an amendment to the Constitution of the United States" to the legislatures of the several States for ratification. Report of Secretary of	2	57	2
Steam machinery contracted for by the Navy Department in the years 1862 and 1863, over and above contract price and extra allowances. Table of cost of	1	18	62
Superior, on Lake Superior. Report of Chief Engineer Delafield on improvement of harbor at.....	2	28	1
T.			
Telegraph in connexion with the postal system. Letter of Postmaster General relative to establishment of.....	2	49	1
Transit of United States troops in 1861 through Mexican territory. Negotiations for	1	17	2
Treasury, Secretary of. (For annual report see House Doc.)			
Treasury, relative to employment of persons in that department who have not taken the oath prescribed by law. Letter of Secretary of..	1	3	1
For further information on same subject see	1	3 Pt.2	1

Subject.	Vol.	No.	Page.
Treasury, communicating information relative to the amounts paid each of the commissioners of the circuit courts of the United States in the 1st, 2d, 3d, 4th, 7th, 8th, and 9th judicial circuits; also in relation of fees and emoluments of clerks of said courts. Letter of Secretary of.	1	15	1
Treasury, communicating information in regard to seizure of property of J. A. Rhomberg & Co., for violation of revenue laws. Letter of Secretary of	1	21	1
Treasury, communicating information as to persons being permitted to enter upon the duties of office without taking the oath prescribed by law. Letter of Secretary of	2	38	1
Treasury, communicating copy of official oath taken by Albert Elmore as collector of customs at Mobile, Alabama. Letter of Secretary of..	2	59	1
Treasury, relative to fines, &c., collected by the collectors of Vermont and Kentucky. Report of Secretary of	2	65	1
Troops for Mexico. Correspondence relative to departure from Austria of	2	54	2
Truman on condition of southern people and States lately in rebellion. Report of Benjamin C	2	43	1
U.			
Union Pacific railroad from Sioux City, Iowa. Documents, papers, and maps relating to the branch of	1	14	1
United States <i>vs.</i> City of San Francisco. Letter of Attorney General relative to case of	1	24	1
V.			
Vanderbilt to the United States. Correspondence between the Secretary of State and Cornelius Vanderbilt relative to gift of steamer	2	46	1
Vermont and Kentucky. Report of Secretary of Treasury relative to fines, &c., collected by collectors of	2	65	1
Vessels-of-war and steam machinery contracted for by the Navy Department in the years 1862 and 1863, above the contract price and allowances for extra work. Statement of cost of construction of	1	18	62
Veto of Freedmen's Bureau bill	1	25	1
Veto of civil rights bill	2	31	1
Veto of the bill for the admission of the State of Colorado into the Union	2	45	1
Veto of the bill to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of public lands not now in the market	2	50	1
Visitors to the Naval Academy for the year 1866. Report of the board of.	2	53	1
Volunteers now in service, where stationed, and what duties they are now performing. Statement of the number of major and brigadier generals of	1	13	2
W.			
War, Secretary of. (For annual report see House Doc.)			
War, relative to employment of persons in that department who have not taken the oath prescribed by law. Letter of the Secretary of....	1	1	1
War, relative to appointment of commissioners to make awards to owners for slaves enlisted in the military service of the United States. Letter of the Secretary of	1	9	1
War, communicating copies of the record and proceedings, with the review of the same by the Judge Advocate General, of the military commissions by which were tried and convicted E. W. Andrews, of South Carolina; J. M. Brown and C. C. Reese, of Georgia; J. L. McMillan and Neill McGill, of North Carolina. Letter of the Secretary of	1	11	1
War, communicating information in relation to the number of men now in service in the regular army, what number of officers are holding commissions, where said officers are stationed, and what duty they are performing. Letter of the Secretary of	1	12	1

Subject.	Vol.	No.	Page.
War, communicating information relative to the number of major and brigadier generals of volunteers now in service, where stationed, and what duties they are performing. Letter of the Secretary of.....	1	13	1
War, communicating copy of memorial of Brigadier General B. S. Roberts, United States army, setting forth his plan for reclaiming waste and swamp lands of lower basin of the Mississippi river. Letter of the Secretary of.....	1	22	1
War, communicating report of Chief Engineer Delafield upon improvement of the harbors on Lake Michigan, in Wisconsin, and also at Superior, on Lake Superior. Letter of the Secretary of.....	2	28	1
War, communicating information in relation to legislation necessary to fix and establish the position of the Chicago and Rock Island railroad at Rock Island, Illinois, and to enable the War Department to occupy said island for military purposes. Letter of the Secretary of..	2	32	1
War, communicating information as to the money required for improvement of harbor at mouth of Fox river, Wisconsin. Letter of the Secretary of.....	2	36	1
War, communicating information relative to payment of one hundred dollars to ten regiments of Missouri State militia mustered into the United States service. Letter of the Secretary of.....	2	47	1
War, communicating report of Chief of Ordnance relative to present condition of public works at Harper's Ferry. Letter of the Secretary of.....	2	60	1
War, relative to awards for apprehension of Jefferson Davis. Report of the Secretary of.....	2	64	1
Washington city canal. Report of board of engineers on the improvement of.....	2	35	2
Y.			
Yulee, relative to effect of legislative action in increasing pay of mail contractors. Letter of D. L.....	2	44	1

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

LONDON: Printed by A. MILLAR, in Pall-mall, 1741.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

BY SAMUEL JOHNSON

IN TEN VOLUMES

T A B L E
OF
THE EXECUTIVE DOCUMENTS
OF THE
SENATE OF THE UNITED STATES
FOR THE
FIRST SESSION THIRTY-NINTH CONGRESS, 1865-'6.

Subject.	Vol.	No.	Page.
Letter of the Secretary of War, communicating, in compliance with resolution of the Senate, information relative to persons in the employment of that department who have not taken the oath prescribed by law, and persons appointed to office not authorized by law	1	1	2
Message of the President of the United States, in answer to resolution of the Senate, relative to condition of States lately in rebellion, and accompanied by report of Carl Schurz and report of Lieutenant General Grant on the same subject	1	2	108
Letter of the Secretary of the Treasury, in answer to resolution of the Senate, communicating information relative to persons in the employ of that department who have not taken the oath prescribed by law, and to persons appointed to office not authorized by law	1	3	10
Letter of the Secretary of the Treasury, in answer to resolution of the Senate, communicating further information relative to persons in the employ of that department who have not taken the oath prescribed by law	1	3, Pt 2.	2
Message of the President of the United States, in answer to resolution of the Senate, communicating information in relation to report of General Howard of his observations of the condition of the seceded States and the operations of the Freedmen's Bureau therein	1	4	1
Message of the President of the United States, in answer to resolution of the Senate, communicating information on the subject of a decree of the so-called emperor of Mexico of the 3d of October last.....	1	5	20
Accompanying documents:			
Letter of William H. Seward to President.....	1	5	1
Letter of Marcus Otterbourg to William H. Seward.....	1	5	2
Proclamation of the emperor Maximilian.....	1	5	2
Decree of the emperor Maximilian.....	1	5	3
Letter of Mr. Romero to Mr. Seward.....	1	5	5
Protest of the town of Songolica, in the State of Vera Cruz, against intervention and the empire.....	1	5	7
Protest of the town of Juchitan, State of Oaxaca, against establishment of an empire in Mexico by French army	1	5	8
General order of central army operating in the State of Michoacan	1	5	9
Paroles of certain officers and soldiers of the foreign legion, binding them not to fight against the republic	1	5	10
Proclamation of Maximilian on landing at Vera Cruz.....	1	5	11
Order of Maximilian to his minister Velasquez de Leon, directing the pursuit and destruction of bandits	1	5	12
Proclamation of Maximilian declaring defenders of the republic outlaws	1	5	13
Decree of Maximilian ordering execution of prisoners of war, &c..	1	5	13
Address of Maximilian upon inauguration of the statue of Morelos	1	5	15
Letter of Mr. Corwin to Mr. Seward	1	5	16
Letter of Mr. Romero to Mr. Seward.....	1	5	17

Subject.	Vol.	No.	Page.
Accompanying documents—Continued			
Extract from the "Estafette," a French newspaper published in the city of Mexico	1	5	18
Letter of Mr. Seward to Mr. Bigelow	1	5	19
Same to same	1	5	19
Letter of Mr. Bigelow to Mr. Seward	1	5	20
Letter of Mr. Seward to Mr. Romero	1	5	20
Message of the President of the United States, in answer to resolution of the Senate, communicating information respecting the occupation by French troops of the republic of Mexico, and the establishment of a monarchy there	1	6	100
List of accompanying documents	1	6	1
Message of the President of the United States, in answer to resolution of the Senate, communicating information upon what charges and for what reasons Jefferson Davis is still held in confinement, and why he has not been put upon his trial	1	7	4
Letter of the Secretary of War to President	1	7	1
Resolution of Mr. Howard	1	7	2
Letter of Attorney General to President	1	7	3
Message of the President of the United States, in answer to resolution of the Senate, communicating information in regard to the plans to induce the immigration of dissatisfied citizens of the United States into Mexico, and especially in regard to the plans of Dr. William M. Gwin and M. F. Maury	1	8	44
List of accompanying documents	1	8	2
Letter of the Secretary of War, in answer to resolutions of Senate, giving information relative to appointment of commissioners to award compensation to loyal persons for services of colored volunteers due them ..	1	9	4
Report of C. W. Foster relative to same subject	1	9	2
Report of James B. Fry in answer to same resolution	1	9	3
Message of the President of the United States, transmitting communication of John Evans and J. B. Chaffee relative to the admission of the State of Colorado into the Union	1	10	34
Letter of John Evans and J. B. Chaffee to the President	1	10	1
Call for a territorial convention	1	10	3
Proceedings of constitutional convention	1	10	4
Constitution of the State of Colorado, as adopted by the convention August 12, 1865	1	10	15
An irrevocable ordinance adopting the Constitution of the United States, and for other purposes	1	10	29
An ordinance to provide for submitting constitution to the people for adoption or rejection, &c.	1	10	30
Abstract of votes cast September 5, 1865, upon adoption or rejection of constitution	1	10	32
Abstract of votes cast September 5, 1865, upon negro suffrage ..	1	10	33
Abstract of votes cast for State officers, November 14, 1865	1	10	34
Letter of Secretary of War, in answer to resolution of Senate, communicating copies of the records and proceedings, with the review of the same by the Judge Advocate General of the military commission, by which were tried and convicted E. W. Andrews, of South Carolina; J. M. Brown and C. C. Reese, of Georgia; J. L. McMillan and Neill McGill, of North Carolina	1	11	243
Proceedings of the military commission convened at Orangeburg, South Carolina, for the trial of E. W. Andrews	1	11	2
Review of the proceedings by Judge Advocate General	1	11	35
Petitions for pardon of E. W. Andrews	1	11	36
Proceedings of a military commission convened at Washington, Georgia, for the trial of C. C. Reese and John M. Brown	1	11	40
Review of the proceedings by Judge Advocate General	1	11	124
Petition for pardon of C. C. Reese	1	11	130
Petitions for pardon of John M. Brown	1	11	135
Proceedings of a military commission convened at Wilmington, North Carolina, for the trial of J. L. McMillan and Neill McGill	1	11	150
Review of the proceedings by Judge Advocate General	1	11	224
Petitions for pardon of McMillan and McGill	1	11	232

Subject.	Vol.	No.	Page.
Letter of the Secretary of War, in answer to resolution of the Senate, communicating information in relation to the number of men now in service in the regular army, what number of officers are holding commissions, where said officers are stationed, and what duty they are performing	1	12	
Tabular statement of station and duties of officers of the army ..	1	12	2
Tabular statement of number of officers and enlisted men	1	12	35
Letter of the Secretary of War, in answer to resolution of Senate, giving information in relation to the number of major and brigadier generals of volunteers now in service, where stationed, and what duties they are performing	1	13	6
List of major and brigadier generals	1	13	2
Letter of the Secretary of the Interior, in answer to resolution of the Senate, communicating copies of all documents, papers, and maps relating to the branch of the Union Pacific railroad from Sioux City, Iowa ..	1	14	17
List of accompanying documents	1	14	1
Letter of Secretary of the Treasury, in answer to resolution of the Senate, giving information in relation to commissioners of the circuit courts of the United States in the first, second, third, fourth, seventh, eighth, and ninth judicial circuits, amount paid to each of said commissioners; also in relation to fees and emoluments of clerks of the said courts	1	15	6
Statement of persons acting as commissioners, &c.	1	15	2
Abstract of fees and emoluments of clerks of United States courts in said circuits	1	15	4
Message of the President of the United States declining to furnish information in regard to condition of affairs on southeastern frontier, and especially in regard to violation of neutrality by army occupying right bank of the Rio Grande	1	16	1
Message of the President of the United States, in answer to resolution of the Senate, giving information in regard to negotiation for transit of United States troops, in 1861, through Mexican territory	1	17	8
List of accompanying documents	1	17	1
Report of the Secretary of the Navy, communicating, in compliance with resolution of the Senate, copy of record of board of navy officers appointed to inquire into and determine how much the vessels-of-war and steam machinery contracted for by the department in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work	1	18	64
Record of the board of officers	1	18	2
Table of vessels and machinery, cost of the same, &c.	1	18	62
Message of the President of the United States, in answer to resolution of the Senate, communicating correspondence in relation to holding civil courts in the insurrectionary States for the trial of crimes against the United States	1	19	2
Letter of Chief Justice Chase to the President	1	19	1
Message of the President of the United States, in answer to resolution of the Senate, communicating report of General Sherman, dated December 22, 1865, relative to condition of the State of Arkansas	1	20	3
Report of General Sherman	1	20	1
Letter of the Secretary of the Treasury, in answer to resolution of the Senate, giving information relative to seizure of property of J. A. Rhomberg & Co., of Dubuque, Iowa, for violation of revenue laws ..	1	21	18
Letter of H. McCulloch to L. S. Foster	1	21	1
Letter of E. A. Rollins to Hugh McCulloch	1	21	2
Statement of Joseph J. Lewis	1	21	8
Letter of William Orton to Hugh McCulloch	1	21	15
Letter of Solomon Sturges' Sons and Dubuque Branch Bank to Joseph J. Lewis	1	21	16
Letter of same to William Orton	1	21	16
Directions of Joseph J. Lewis to O. F. Presbrey	1	21	17
Letter of William Orton to Hugh McCulloch	1	21	17
Letter of the Secretary of War, in answer to resolution of the Senate, communicating copy of memorial of Brevet Brigadier General B. S. Roberts, setting forth plan of reclaiming swamp and waste lands of basin of the Misissippi	1	22	6

Subject.	Vol.	No.	Page.
Message of the President of the United States, communicating correspondence relative to a proposed international conference at Constantinople upon the subject of cholera.....	1	23	5
List of accompanying papers.....	1	23	1
Letter of the Attorney General, in answer to resolution of the Senate, communicating information relative to the case of <i>The United States vs. The City of San Francisco</i>	1	24	2
Message of the President of the United States, returning bill (S. 60) to amend an act entitled "An act to establish a bureau for the relief of Freedmen and Refugees," and for other purposes, with his objections thereto.....	1	25	10
Copy of an act to amend an act entitled "An act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.....	1	25	8
Message of the President of the United States, in answer to resolution of the Senate, communicating information relative to provisional governors of States.....	1	26	259
Letter of William H. Seward to President.....	1	26	2
Letter of E. M. Stanton to President.....	1	26	2
List of accompanying papers.....	1	26	4
Message of the President of the United States, in answer to resolution of the Senate, communicating reports of assistant commissioners of Freedmen's Bureau, made since December 1, 1865.....	2	27	166
List of papers accompanying.....	2	27	2
Report of Brevet Brigadier General C. H. Howard.....	2	27	123
Circular of General Baird to the planters of St. Martin.....	2	27	134
Report of Brigadier General J. W. Sprague, Missouri and Arkansas.....	2	27	136
Report of Brevet Major General Saxton, South Carolina and Georgia.....	2	27	139
Report of Colonel O. Brown, Virginia.....	2	27	144
Report of Brigadier General F. M. Gregory, Texas.....	2	27	147
Report of Brevet Brigadier General John Eaton, jr., District of Columbia.....	2	27	151
Report of Colonel Whittlesey, North Carolina.....	2	27	159
Letter of the Secretary of War, in answer to resolution of the Senate, communicating Chief Engineer's report upon the improvement of the harbors on Lake Michigan, in Wisconsin, and also at Superior, on Lake Superior.....	2	28	3
Message of the President of the United States, transmitting communication from the minister of the United States at Paris, in regard to a proposed exhibition of fishery and water culture to be held at Arcachon, near Bordeaux, in France, in July next.....	2	29	10
List of accompanying papers.....	2	29	1
Message of the President of the United States, in answer to resolution of the Senate, communicating report from the Secretary of State upon the subject of the supposed kidnapping of colored persons in the southern States for the purpose of selling them as slaves in the island of Cuba.....	2	30	55
List of accompanying papers.....	2	30	1
Message of the President of the United States, returning to the Senate the bill (S. 61) "to protect all persons in the United States in their civil rights and furnish the means of their vindication," with his objections thereto.....	2	31	
Letter of the Secretary of War, in answer to resolution of the Senate, communicating information relative to legislation necessary so to fix and establish the position of the Chicago and Rock Island railroad at Rock Island, Illinois, as to enable the War Department to occupy said island for military purposes.....	2	32	3
Message of the President of the United States, transmitting a memorial of the legislature of Alabama, asking an extension of the time for the completion of certain railroads in said State.....	2	33	2
Letter of Postmaster General, in answer to resolution of the Senate, giving information in regard to the oath required to be taken by persons in the employ of that department.....	2	34	1

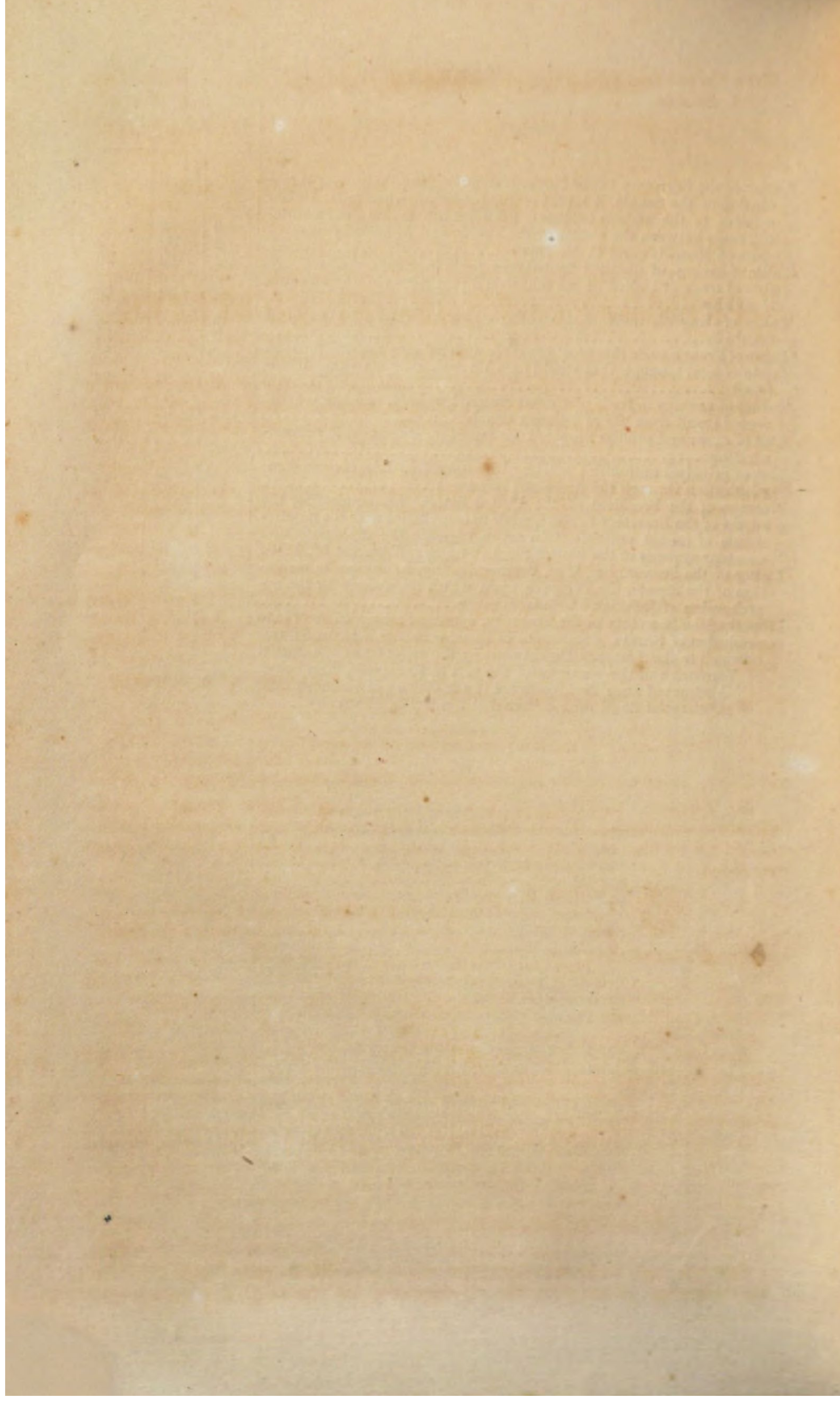
Subject.	Vol.	No.	Page.
Message of the President of the United States, in compliance with resolution of the Senate, giving information respecting the improvement of the Washington City canal.....	2	35	5
Report of board of engineers.....	2	35	2
Letter of the Secretary of War, in answer to resolution of the Senate, giving information as to the money required for the improvement of the harbor at the mouth of Fox river, in Wisconsin.....	2	36	3
Report of Chief Engineer Delafield.....	2	36	1
Message of the President of the United States, recommending an extension of the time for the completion of certain railroads in the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana, to aid in the construction of which lands were granted by acts of Congress.....	2	37	3
Statement exhibiting concessions of land by acts of Congress to said States for railroad purposes from 1850 to 1856.....	2	37	3
Letter of the Secretary of the Treasury, in answer to resolution of the Senate, communicating information as to persons being permitted to enter upon the duties of office without taking the oath prescribed by act of Congress.....	2	38	21
Letter of Commissioner of Customs.....	2	38	1
Letter of Commissioner of Internal Revenue.....	2	36	3
Schedule of names of assistant assessors who have taken qualified oath of office.....	2	36	4
Message of the President of the United States, in answer to resolution of the Senate, communicating information in regard to the seizure and detention at New York of the steamship "Meteor".....	2	39	25
List of accompanying papers.....	2	39	1
Message of the President of the United States, in answer to resolution of the Senate, communicating correspondence concerning General Order No. 17, issued by the commander of the department of California, prohibiting the exportation of arms or munitions of war over the frontier.....	2	40	10
List of accompanying papers.....	2	40	2
Opinion of Attorney General Speed.....	2	40	3
Message of the President of the United States, in answer to resolution of the Senate, communicating a copy of the proceedings of a board of officers in relation to brevet appointments in the regular army....	2	41	12
Report of board of officers.....	2	41	2
Proceedings of board.....	2	41	3
List of officers recommended for promotion by brevet.....	2	41	7
Letter from the Secretary of the Navy, in answer to resolution of the Senate, communicating copies of order of department which deprives officers of the navy who are not on duty of the privilege of citizens.....	2	42	3
Extracts from regulation circular.....	2	42	3
Message of the President of the United States, in answer to resolution of the Senate, communicating report of Benjamin C. Truman relative to condition of the southern people and the States in which the rebellion existed.....	2	43	14
Letter of Postmaster General, in answer to resolution of the Senate, transmitting copy of letter of Hon. D. L. Yulee to the department, relative to the effect of legislative action in increasing the pay of mail contractors.....	2	44	6
Reply of J. Holt, Postmaster General.....	2	44	2
Message of the President of the United States, returning to the Senate the bill entitled "An act for the admission of the State of Colorado into the Union," with his objections to its becoming a law.....	2	45	4
Copy of said act.....	2	45	3
Message of the President of the United States, communicating a copy of the correspondence between the Secretary of State and Cornelius Vanderbilt, of New York, relative to the joint resolution of the 28th of January, 1864, upon the subject of the gift of the steamer Vanderbilt to the United States.....	2	46	3
Resolution presenting the thanks of Congress to Cornelius Vanderbilt for a gift of the steamship Vanderbilt.....	2	46	2

Subject.	Vol.	No.	Page.
Letter of the Secretary of War, in answer to resolution of the Senate, communicating information relative to the payment of one hundred dollars to the ten regiments of Missouri State militia mustered into the United States service.....	2	47	8
Letter of Solicitor of the War Department.....	2	47	1
of Paymaster General.....	2	47	3
of General Brown.....	2	47	4
of Major James Totten.....	2	47	4
of General Pleasonton.....	2	47	5
of General McNeill.....	2	47	6
of General Rosecrans.....	2	47	6
of General Curtis.....	2	47	7
of General Fisk.....	2	47	7
of General Davidson.....	2	47	8
of General Herron.....	2	47	8
Message of the President of the United States, announcing the death of Winfield Scott, late Lieutenant General in the army of the United States.....	2	48	1
Letter of the Postmaster General, in answer to resolution of the Senate, relative to the establishment of a telegraph in connexion with the postal system.....	2	49	33
Letter of Henry J. Rogers.....	2	49	2
Letter of George B. Prescott.....	2	49	4
Letter from executive officers of the "American," "Western Union," and "United States" telegraph companies.....	2	49	9
Message of the President of the United States, returning bill (S. 203) entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market," with his objections thereto.....	2	50	7
Copy of bill.....	2	50	7
Message of the President of the United States, transmitting a copy of resolution of the legislature of Georgia, requesting a suspension of the collection of the internal revenue tax due from that State, pursuant to the act of Congress of the 5th of August, 1861.....	2	51	2
Message of the President of the United States, informing Congress of the passage of an act of acceptance by the State of Georgia of lands for the benefit of colleges for agriculture and mechanic arts.....	2	52	1
Message of the President of the United States, in answer to resolution of Senate, communicating a copy of the report of the board of visitors to the Naval Academy for the year 1866.....	2	53	14
Message of the President of the United States, in answer to resolution of the Senate, communicating information in regard to the departure of troops from Austria for Mexico.....	2	54	21
List of accompanying papers.....	2	54	1
Message of the President of the United States, in answer to resolution of Senate, communicating information touching the transactions of the executive branch of the government respecting the transportation, settlement, and colonization of persons of the African race....	2	55	64
Letter of W. T. Otto to President.....	2	55	1
Letter of J. P. Usher to President.....	2	55	3
Same to same.....	2	55	4
Letter of Caleb B. Smith to Rev. Wm. McLain.....	2	55	5
to Robert Murray.....	2	55	5
to Ambrose W. Thompson.....	2	55	6
to J. W. Fabens.....	2	55	6
to President.....	2	55	7
to same.....	2	55	10
to B. Koch.....	2	55	11
Letter of J. P. Usher to Wm. H. Seward.....	2	55	12
Order of Abraham Lincoln to Interior Department.....	2	55	12
Contract between C. B. Smith and Ambrose W. Thompson....	2	55	13
Further contract between same parties.....	2	55	15
Letter of C. B. Smith to S. C. Pomeroy.....	2	55	16
to Robert Murray.....	2	55	17
Telegram of C. B. Smith to S. C. Pomeroy.....	2	55	17
Letter of C. B. Smith to President.....	2	55	18

Subject.	Vol.	No.	Page.
Letter of C. B. Smith to Charles W. Kimball.....	2	55	18
to Roest Van Limburg.....	2	55	18
to S. C. Pomeroy.....	2	55	19
to Francis G. Cummings.....	2	55	19
to James Mitchell.....	2	55	19
Telegram of C. B. Smith to S. C. Pomeroy.....	2	55	20
to James C. Clapp.....	2	55	20
Letter of J. P. Usher to S. C. Pomeroy.....	2	55	21
to George Edwards.....	5	55	21
to James Hall.....	2	55	21
to Rev. William McLain.....	2	55	22
Letter of C. B. Smith to William Coppinger.....	2	55	22
to Samuel S. Howe.....	2	55	22
to Rev. William McLain.....	2	55	23
to Augustus A. Smith.....	2	55	23
to Anson B. Ives.....	2	55	23
Letter of J. P. Usher to William H. Seward.....	2	55	23
to Paul S. Forbes and C. K. Tuckerman..	2	55	24
Proclamation of the President of Hayti.....	2	55	25
Letter of J. P. Usher to Robert Murray.....	2	55	25
to John J. Cisco.....	2	55	26
to P. S. Forbes and C. K. Tuckerman....	2	55	27
Contract between J. P. Usher and P. S. Forbes and C. K. Tuckerman.....	2	55	28
Letter of J. P. Usher to C. K. Tuckerman.....	2	55	29
Letter of W. T. Otto to Rev. John B. Pinney.....	2	55	30
Letter of J. P. Usher to William H. Seward.....	2	55	30
to Hiram Ketchum.....	2	55	30
to E. M. Stanton.....	2	55	31
to W. H. P. Denny.....	2	55	31
to William Russell Foster.....	2	55	31
to John W. Menard.....	2	55	32
to John Hodge.....	2	55	32
to the President.....	2	55	33
to John Hodge.....	2	55	33
to Forbes & Tuckerman.....	2	55	33
to C. K. Tuckerman.....	2	55	33
to William H. Seward.....	2	55	34
to E. A. Duffield.....	2	55	34
to D. C. Donohue.....	2	55	34
to H. J. Raymond.....	2	55	35
to D. C. Donohue.....	2	55	36
Telegram of George C. Whiting to Walden & Booth.....	2	55	36
Letter of J. P. Usher to C. K. Tuckerman.....	2	55	37
Telegram of J. P. Usher to D. C. Donohue.....	2	55	37
Letter of J. P. Usher to D. C. Donohue.....	2	55	38
to Rev. James Mitchell.....	2	55	38
to Rev. William McLain.....	2	55	38
to B. T. Brown.....	2	55	38
to Allston Wilson.....	2	55	39
to D. C. Donohue.....	2	55	39
Telegram of Hallet Kilbourn to Walden & Booth.....	2	55	39
Letter of J. P. Usher to D. C. Donohue.....	2	55	39
to Leonard W. Jerome.....	2	55	40
to Forbes & Tuckerman.....	2	55	42
to D. C. Donohue.....	2	55	42
to Forbes & Tuckerman.....	2	55	43
Telegram of J. P. Usher to Robert Murray.....	2	55	43
Letter of J. P. Usher to D. C. Donohue.....	2	55	43
to William H. Seward.....	2	55	44
to Rev. R. R. Gurley.....	2	55	44
Telegram of J. P. Usher to Walden & Booth.....	2	55	45
Letter of J. P. Usher to E. M. Stanton.....	2	55	45
to Rev. James Mitchell.....	2	55	45
to D. C. Donohue.....	2	55	45
to Hallet Kilbourn.....	2	55	45

Subject.	Vol.	No.	Page.
Letter of J. P. Ushe to Hallet Kilbourne.....	2	55	46
to Cronin, Herxthal & Son.....	2	55	46
to Herxthal & Barnum.....	2	55	46
to C. K. Tuckerman.....	2	55	46
to Burnett & Drake.....	2	55	46
to Wilson & Cammann.....	2	55	46
to H. J. Raymond.....	2	55	46
to C. K. Tuckerman.....	2	55	50
to J. F. Buckley.....	2	55	52
to C. K. Tuckerman.....	2	55	52
to S. P. Chase.....	2	55	52
to Wilson & Cammann.....	2	55	53
to Burnett, Drake & Co.....	2	55	53
to Wilson & Cammann.....	2	55	54
to Burnett, Drake & Co.....	2	55	54
to Wilson & Cammann.....	2	55	55
Orders of J. P. Usher in favor of Wilson & Cammann.....	2	55	55
Letter of J. P. Usher to Burnett, Drake & Co.....	2	55	56
Order of same in favor of same.....	2	55	56
Letter of J. P. Usher to the President.....	2	55	56
to E. J. Royce.....	2	55	57
Letter of W. T. Otto to William H. Seward.....	2	55	57
Letter of J. P. Usher to Charles Sumner.....	2	55	57
Joint resolution to facilitate the adjustment of certain accounts of the American Colonization Society for the support of re- captured Africans in Liberia.....	2	55	58
Letter of J. P. Usher to Charles Sumner.....	2	55	59
to S. C. Pomeroy.....	2	55	59
Letter of W. T. Otto to J. H. Ashton.....	2	55	59
Letter of James Harlan to James Speed.....	2	55	59
to Rev. James Mitchell.....	2	55	60
to same.....	2	55	61
to Secretary of State.....	2	55	61
to C. K. Tuckerman.....	2	55	61
to same.....	2	55	62
to same.....	2	55	63
to same.....	2	55	64
to Rev. James Mitchell.....	2	55	64
Message of the President of the United States, in answer to resolution of Senate, communicating a copy of a despatch of the 4th of June, 1866, addressed to the Secretary of State by the United States minister at Paris, in regard to the employment of European troops in Mexico.....	2	56	2
Message of the President of the United States, communicating a report of the Secretary of State, showing the proceedings under concurrent resolution of the two houses of Congress of the 13th instant, request- ing the President to submit to the legislatures of the States an addi- tional article to the Constitution of the United States.....	2	57	4
Message of the President of the United States, communicating copy of a report and maps prepared by a board of examiners appointed to examine a site for a fresh-water basin for iron-clad vessels of the United States navy near Portland, Maine.....	2	58	4
Letter of the Secretary of the Treasury in answer to resolution of the Senate, communicating copy of official oath taken by Albert Elmore, as collector of customs at Mobile, Alabama.....	2	59	2
Letter of the Secretary of War, in answer to resolution of Senate, com- municating report of Chief of Ordnance, relative to the present con- dition of public works at Harper's Ferry.....	2	60	2
Message of the President of the United States, in answer to resolution of Senate, communicating a statement of the expenditures of the United States for the various public works of the government, in each State and Territory of the Union, from the year 1860 to the close of 1865.....	2	61	10
Tabular statement.....	2	61	2
Letter of J. M. Edmunds relative to public lands granted to the States for roads, canals, &c., from July 1, 1860, to December 31, 1865.....	2	61	9
Tabular statement.....	2	61	10

Subject.	Vol.	No.	Page.
Letter of the Secretary of the Navy, communicating, in answer to resolution of the Senate, a report of Rear-Admiral Charles H. Davis, relative to the various proposed lines for interoceanic canals and railroads between the waters of the Pacific and Atlantic oceans.....	2	62	28
Report of Rear-Admiral C. H. Davis.....	2	62	2
Table of saving of distance by isthmus route over cape routes.....	2	62	20
Table of trade of United States that would pass through isthmus canal if finished.....	2	62	20
Table of English trade that would pass through isthmus canal if finished.....	2	62	21
Table of French trade that would pass through isthmus canal if finished.....	2	62	21
Table of total tonnage that would pass through isthmus canal if finished.....	2	62	22
Tables of savings to trade of United States, England, and France that would result from use of isthmus canal.....	2	62	22
List of maps and profiles prepared for report on interoceanic communication.....	2	62	23
List of principal authorities relating to projects of interoceanic communication through the American isthmuses.....	2	62	24
Message of the President of the United States, communicating the report of the Secretary of State, made in compliance with the requirements of an act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856..	2	63	—
Letter of the Secretary of War, communicating, in answer to resolution of the Senate, the evidence upon which the awards for the apprehension of Jefferson Davis were made.....	2	64	—
Report of the Secretary of the Treasury, communicating, in answer to resolution of Senate, a statement of fines, penalties, and forfeitures returned to the Treasury Department by the collector of the district of Vermont and the surveyor of the port at Louisville, Kentucky..	2	65	8
Abstract of fines, &c., collected in the district of Vermont.....	2	65	2
Abstract of fines, &c., collected at Louisville, Kentucky.....	2	65	5



MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 27th of February last, a communication from the Secretary of War, together with the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865.

MARCH 6, 1866.—Read, referred to the Joint Committee to inquire into the condition of the States which formed the so-called Confederate States, and ordered to be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th ultimo, I transmit herewith a communication from the Secretary of War, together with the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865.

ANDREW JOHNSON.

WASHINGTON, *March 5, 1866.*

WAR DEPARTMENT,
Washington City, March 2, 1866.

MR. PRESIDENT: I have the honor to submit herewith the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865, called for by the Senate's resolution referred to this department, and herewith returned.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

✱The PRESIDENT.

IN THE SENATE OF THE UNITED STATES,
February 27, 1866.

Resolved, That the President of the United States be requested to communicate to the Senate, if not in his judgment inconsistent with the public interests, the reports of the assistant commissioners of the Freedmen's Bureau made since December 1, 1865.

Attest:

J. W. FORNEY, *Secretary.*

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, March 1, 1866.

SIR: In reply to your indorsement of the 28th ultimo, referring to the "Senate resolution" of the 27th ultimo, requesting the reports of the assistant com-

missioners of this bureau received since December 1, 1865, I have the honor to transmit herewith the reports as called for. As these reports are withdrawn from the files of this office, I have the honor to request that they may be returned as soon as they have been used and printed by the Senate.

List of papers.

1. General C. B. Fisk, Assistant Commissioner, January 6, 1866, report of affairs in Kentucky.

2. General C. B. Fisk, Assistant Commissioner, January 23, 1866, report of affairs in Kentucky.

3. General C. B. Fisk, Assistant Commissioner, February 14, 1866, report of affairs in Kentucky.

4. General C. B. Fisk, Assistant Commissioner, February 14, 1866, report of affairs in Tennessee.

5. Colonel E. Whittlesey, Assistant Commissioner, January 15, 1866, report of affairs in North Carolina.

6. General R. Saxton, Assistant Commissioner, January 15, 1866, report of cruelties in South Carolina.

7. General R. K. Scott, Assistant Commissioner, February 21, 1866, report of affairs in South Carolina.

8. General J. W. Sprague, Assistant Commissioner, January 10, 1866, report of Missouri and Arkansas.

9. Colonel S. Thomas, Assistant Commissioner, December 28, 1865, forwards report of an outrage in Carroll County, Mississippi.

10. Colonel S. Thomas, Assistant Commissioner, January 10, 1866, report of affairs in Mississippi.

11. Colonel S. Thomas, Assistant Commissioner, February 6, 1866, report of lands in Mississippi.

12. Colonel S. Thomas, Assistant Commissioner, January 31, 1866, report of tour in Mississippi.

13. Colonel T. W. Osborne, Assistant Commissioner, December 31, 1865, report of affairs in Florida.

14. Colonel T. W. Osborne, Assistant Commissioner, February 5, 1866, report of affairs in Florida.

15. General Wager Swayne, Assistant Commissioner, January 31, 1866, report of affairs in Alabama.

16. General Wager Swayne, Assistant Commissioner, December 26, 1865, report of affairs in Alabama.

17. General Wager Swayne, Assistant Commissioner, January, 1866, report for last quarter 1865, in Alabama.

18. General Wager Swayne, Assistant Commissioner, February 7, 1866, report of Chap. Buckley's tour in Alabama.

19. General E. M. Gregory, Assistant Commissioner, January 31, 1866, report of affairs in Texas.

20. General W. E. Strong, Inspector General, January 1, 1866, inspection report, Texas.

21. General Davis Tillson, Assistant Commissioner, fifteen letters relating to the affairs of the bureau from December, 1865, to February 20, 1866.

22. J. W. Alvord, inspector of schools and finance report.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD,
Major General, Commissioner.

Hon. E. M. STANTON,
Secretary of War.

No. 1.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY, TENNESSEE AND NOR. ALABAMA,
Assistant Commissioner's Office, Nashville, Tenn., Jan. 6, 1866.

GENERAL: I have the honor to report progress in Kentucky. My "circular" and "address to the freedmen" were both well received by a large majority of the people. There are some of the *meanest unsubjugated and unreconstructed, rascally rebellious revolutionists* in Kentucky that curse the soil of the country. They now claim that although the amendment to the Constitution forever abolishing and prohibiting slavery has been ratified, and proclamation thereof duly made, yet Congress must legislate to carry the amendment into effect, and therefore slavery is not dead in Kentucky. Others cling to the old barbarism with tenacity, claiming that the government must pay Kentucky for her emancipated slaves. There are few public journals in the State which afford great comfort to the malcontents, but the majority of the people of Kentucky hail the dawn of universal liberty, and welcome the agency of the bureau in adjusting the new relations arising from the *total abolition of slavery*. I have succeeded in obtaining the services of many first-class judicious popular citizens to act as superintendents at the important points. The "Blue Grass" region is in the best of hands. General Hay, at Hopkinsville, was a *bad failure*. He has been removed. I have consulted General Palmer in the appointment of every agent. I return to Kentucky on the 10th instant, by invitation of the governor, and shall meet the principal planters of the State at Frankfort, in convention, on the 11th. I hope to do good unto them, and make the bureau a blessing to all Kentucky.

With great respect, your obedient servant,

CLINTON B. FISK,
Brevet Major General, Assistant Commissioner.

Major General HOWARD,
Commissioner, &c., Washington, D. C

—
[Circular No. 10.]

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY AND TENNESSEE,
Assistant Commissioner's Office, Nashville, Tenn., Dec. 26, 1865.

The ratification of the constitutional amendment forever abolishing and prohibiting slavery in the United States, having been officially announced to the country by proclamation of the Secretary of State, dated December 18, 1865, this bureau extends its supervision over persons recently held as slaves in Kentucky.

On the basis of impartial justice this bureau will promote industry, and aid in permanently establishing peace and securing prosperity in the State.

Agencies of the bureau will be established at points easy of access, and while superintendents will be cautioned against supervising too much, the fair adjustment of the labor question will receive their earnest attention. They will see that contracts are equitable and their inviolability enforced upon both parties.

No fixed rates of wages will be prescribed by the bureau, nor will any community or combination of people be permitted to fix rates. Labor must be free to compete with other commodities in an open market.

Parties can make any trade or agreement that is satisfactory to themselves; and so long as advantage is not taken of the ignorance of the freed people, to deprive them of a fair and reasonable compensation for their labor, either in stipulated wages or a share of the products, there will be no interference.

Until the enactment and enforcement of State laws guaranteeing to the freedmen ample protection in person and property, freedmen's courts will be established for the adjudication of cases in which they are involved.

The assistant commissioner earnestly invites the cordial and hearty co-operation of the civil authorities, and of all good citizens of Kentucky, in the important work of adjusting the new relations arising from the total abolition of slavery.

CLINTON B. FISK,
Brevet Major General, Assistant Commissioner.

HEADQUARTERS DEPARTMENT OF TENNESSEE,
Louisville, December 27, 1865.

The foregoing circular of Brevet Major General C. B. Fisk, assistant commissioner, meets my cordial approval, both in its spirit and in its excellent suggestions.

JOHN M. PALMER,
Major General, Commanding.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY AND TENNESSEE,
Assistant Commissioner's Office, Nashville, Tenn., December 26, 1865.

Freedmen of Kentucky :

The Constitution of the United States has been so amended that hereafter no one can be held as a slave anywhere in the country, except in punishment for crime. All the colored people, therefore, in the State of Kentucky, are free, and your friend, the assistant commissioner of the Freedmen's Bureau, desires to address you a few plain words :

1. First of all, you should be grateful to your Heavenly Father, who has broken your bonds and conferred upon you the inestimable boon of freedom.

2. You should recognize your high obligations to the federal government, which, in its mighty struggle with the great rebellion and in its triumph, has been true to the interests of freedom, and has fulfilled its pledges to the oppressed.

3. You should love Kentucky, for it is a noble old State—your native State, your home and the home of your children, and now a free State.

4. I advise you to remain in your old homes, and that you enter into good contracts with your former owners and masters. You have been associated with them for many years ; you are bound to the old home by many ties, and most of you I trust will be able to get on as well with your late masters as with any one else. If your former owners will not make good contracts with you—giving you good wages, or a share of the crop—you will have a perfect right to go where you can do better.

5. Let me warn you specially against flocking into the towns and cities. There are too many people in the towns and cities already. Hundreds, unless they speedily remove to the country, will, I fear, fall victims of pestilence. The small-pox is now prevalent, and in a few weeks the cholera may be among us. In the crowded cities you will wear your lives away in a constant struggle to pay high rent for miserable dwellings and scanty allowances of food. Many of your children, I greatly fear, will be found wandering through the streets as vagrants—plunging into the worst of vices, and filling the workhouses and jails. By all means seek healthy homes in the country.

6. Now that you are free and will enjoy the fruits of your own industry, enter upon your new life with a hearty will. You begin it with little besides

your hands, but by patient industry and economy you may soon earn and save enough money to purchase a home of your own, and to furnish it with many of the comforts of life.

7. Let each man turn his heart and his thoughts toward providing a good home for his wife and children, and to aid in the care of his aged and dependent parents; carefully guard and keep sacred the marriage relation; be lawfully wedded: "taking up with each other" is an abominable practice, and must perish with the institution which gave it birth.

8. Early attention should be given to the education of your children. Purchase books for them, and employ good teachers. You have numerous friends in the country who will aid you in the establishment of schools. Be resolved that all your children shall be taught reading, writing, and arithmetic.

9. Let the past be forgotten. Treat all men with respect; avoid disputes; demonstrate to Kentucky and to the world, by your faithful observance of the laws, by your sobriety and good morals, and by your thrift, that you are not only qualified for the precious blessing of freedom, but for the high and responsible duties of citizens of the Commonwealth.

10. Until the enactment and enforcement of State laws giving you full protection in person and property, impartial justice will be secured to you by the strong arm of the national government.

CLINTON B. FISK,

Brevet Major General, Assistant Commissioner.

No. 2.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,

STATES OF KENTUCKY AND TENNESSEE,

Assistant Commissioner's Office, Nashville, Tenn., January 23, 1866.

GENERAL: *Kentucky*.—I have the honor to report progress in the State of Kentucky, where, for the last two weeks, I have devoted myself to the establishment of agencies and an inspection of the condition of the freedmen. I spent five days at Frankfort, the State capital, where I mingled freely with the members of the legislature. On the 11th instant I was present at a convention of the most prominent agriculturists of the State. I declined taking any part, publicly, in said convention, but met the State agricultural board in private session. I had very satisfactory interviews with them and other leading planters in the State. I convened the freedmen in large numbers at Frankfort, Lexington, and other points, and enlightened them as well as I could in reference to their new relations, their duties, and obligations.

I have made forty-one (41) appointments in the State; all of them are citizens excepting three. I selected the best men I could find for the positions. I consulted the governor of the State, the department commander, senators, representatives, and the freedmen. In many instances our superintendent is the county judge. Hon. William P. Thomasson, our superintendent at Louisville, is an old citizen, of good solid character, age, experience, heart, conscience, faith, and courage. He was formerly in Congress, and is an able lawyer. He will, in the midst of a crooked and perverse generation, discharge his duty fearlessly.

On the part of many of the politicians in Kentucky there is a bitter opposition to the bureau. Governor Bramlette is most cordial in his expressed approval of my official action, and, I think, earnest in his desire that the assembly so legislate as to give to the freedmen impartial justice. A majority of the legislators officially denounce the bureau, and pronounce its presence in Kentucky a usurpation of power, and the act of Congress by which it was estab-

lished unconstitutional. Just now there is at Frankfort a heated canvass for a United States senatorship in progress. Candidates for the position vie with each other in denouncing the Freedmen's Bureau. Men who have fought gallantly for the honor of their country's flag are willing to purchase promotion to the United States Senate at the expense of justice to thirty thousand of their fellow-citizens and fellow-soldiers too. The legislature makes no progress in the enactment of laws applicable to the new condition of things, but lengthy resolutions denunciatory of the bureau, and requesting the President to immediately withdraw the odious institution from the State, are discussed in protracted debate, and voted upon affirmatively with astonishing unanimity. Neither myself nor any of my subordinates are accused of much wrong-doing. We are even complimented as being just and conservative gentlemen; but the Freedmen's Bureau and *every soldier* of the United States must be immediately removed from Kentucky to prevent *irritation*, &c. If all the States were to so solemnly protest against the presence of United States troops within their borders, and the country should think best to gratify the clamor for immediate and entire removal that we hear from so many States, the government would necessarily be compelled to rent a parcel of ground in Canada on which to erect barracks for the accommodation of its withdrawn troops.

I assure you that in no portion of the country is this bureau more a positive necessity than in many counties of Kentucky, and for the sake of the nation's plighted faith to her wards, the freedmen, and, in behalf of humanity and justice, I implore you and the President to listen to no request for its withdrawal from the State until the civil authorities in the enforcement of impartial laws shall amply protect the persons and property of those for whose protection and defence this bureau is set.

I saw with my own eyes our fellow-soldiers, yet clad in the uniform of their country's army, fresh from their muster out of service, who within the last ten days were the victims of fiendish atrocity from the hands of their former masters in Kentucky. These returned soldiers had been to their old homes for their wives and children, and had for this offence been knocked down, whipped, and horribly bruised, and threatened with *shooting*, should they ever dare to set their feet on the premises of the old master again and intimate that their families were free. On the very day last week that Garrett Davis was engaged in denouncing the Freedmen's Bureau in the United States Senate, his own neighbors, who had fought gallantly in the Union army, were pleading with myself for the protection which the civil authorities of Kentucky fail to afford. The civil law prohibits the colored man from bearing arms; returned soldiers are by the civil officers dispossessed of their arms, and fined for violation of the law.

I would not be understood as representing all Kentucky as in resistance to freedom and justice—by no means. A large majority of her citizens will *say* they disapprove of this outrageous conduct, but *they do* nothing towards bringing the perpetrators of the crimes of brutality to justice. The mass of the people are *passive* in the presence of these great wrongs.

The freedmen of Kentucky are desirous of remaining in the State if they are permitted to do so on just terms. They are staying at their old homes marvellously well; but few comparatively have removed to the cities and towns.

The colored refugee home at Camp Nelson is rapidly closing out. I have about four hundred persons on my hands at that point now, and they are a precious lot of octogenarians, cripples, orphans, &c. I have received requests from several officials to take *from* their counties and *provide* for all the aged, infirm, sick, and orphans. The bureau is a good thing when burdens are to be borne. It is odious when it enforces justice.

I shall continue to conduct the bureau's affairs in Kentucky with as much prudence as possible, and hope to make its presence a blessing to the State.

I enclose herewith copies of two letters just received from Meade county. Mr. Stewart is circuit judge. It would, I fear, do great harm were the bureau to be withdrawn from any portion of the country where slavery has ceased to exist, as the result of the war, until the people shall have had ample time under the guardianship of the government to adjust their new relations on the basis of *impartial justice* to all men.

I am, general, very respectfully, your obedient servant,

CLINTON B. FISK,

Brevet Major General, Assistant Commissioner.

Major General HOWARD,

Commissioner, &c., Washington, D. C.

Memorandum of report of General Fisk of January 23, 1866.

Kentucky.—Has spent two weeks in examining affairs in this State, and mingled freely with the members of the legislature and the prominent planters, and convened the freedmen together at various places, when he addressed them in regard to their new relations. Has made forty-one appointments in the State; all citizens but three. Has consulted the governor, department commander, senators, representatives, and freedmen. Selected Mr. Thomasson, a firm, honest, capable man, for Louisville. Governor Bramlette is in favor of the bureau, but the mass are bitterly opposed to it and clamorous for its withdrawal, denouncing the act creating it as unconstitutional. This is probably caused by the fact that they are now canvassing for United States senatorship. If all the States were so clamorous for removal of United States troops, and their wishes gratified, ground would have to be rented in Canada for barracks.

In no portion of the country is the bureau more necessary than in some parts of Kentucky, and General Fisk implores the President and Commissioner to listen to no request for withdrawal till impartial laws are made. Soldiers of United States colored troops are beaten, whipped, &c., and threatened with *shooting* for going to their old homes for their families. On the day that Garrett Davis was pleading for the withdrawal of the bureau from Kentucky his neighbors, lately United States soldiers, were pleading with General Fisk for its continuance. By civil law they are deprived of their arms and fined for carrying them. Those citizens of Kentucky who are not openly against the bureau are passive, and allow outrages to go unpunished.

Camp Nelson is nearly closed. Has been requested by several county officials to provide for all their aged, cripples, sick, and orphans. The bureau is a good thing to bear burdens, but to enforce justice is *odious*.

Enclosed letters from J. Stewart and W. F. Denton relative to the riotous proceedings of the late rebels towards freedmen at Meadeville, Kentucky, where not even the former owners of negroes are allowed to hire them.

BRANDENBURGH, KY., *December 29, 1865.*

SIR: I have the honor to inform you that the freedmen of this county have been grossly imposed on by former rebel owners. Whether they are rebels at present is for you to judge upon the information given me by the freedmen. I will state one circumstance, given me by Mr. Patterson, a member of company K, 118th United States colored infantry. He was honorably discharged the service on the 15th day of September, 1865. He came to this place and sent to the country for his wife and children. Their former owner, Shacklett, of

rebel notoriety, refused to give them up to their father and husband, and notifies the soldier if he comes on his lands for the purpose of getting them he will *shoot him*. He has not got them yet. Please inform me what course should be pursued in regard to the freedmen. We have no agent for the Freedmen's Bureau at this place. The disposition of the *would-be rebels* is to persecute the freedmen to the utmost extent.

Sir, another thing I wish to call to your attention is the oppression of returned Union soldiers. On the 18th of December, 1865, a Union soldier, formerly of the 17th Kentucky cavalry, came to this place, and was grossly beaten by a former rebel soldier (guerilla) and his friends; reason, that he had set negroes across the Ohio river. He was beaten for obeying an order issued by you to his officer and by his captain to him. The civil authorities have taken no notice of the disgraceful riot on the Sabbath. Such things have occurred on several occasions. The civil law here is in the hands of the rebels.

For character I refer you to Colonel E. W. Crittenden, United States army; Colonel James T. Bramlette, inspector general of Kentucky.

I am, sir, very respectfully, your obedient servant,

W. F. DENTON,

Former Lieut. 12th Kentucky cavalry.

Major General PALMER.

BRANDENBURGH, KY., *January 4, 1866.*

I wrote some sort of letter to General Palmer. I was up there, having just come out of a scrimmage. I now can state to you more circumstantially matters that lie within your jurisdiction. There is a place about nine miles from this called Meadeville, formerly a guerilla headquarters. At that place there has been a reign of terror for two weeks. The pretence of the rascals concerned in it is to expel all the freedmen. They have made the declaration that no one shall hire a negro, not even the former owners of them. One man's houses were burned some days ago on the faith of a rumor that he was about to hire his former slaves and put them there to live.

The family of a certain John Blant Shacklett, together with a Jesse Murray Shacklett and Bill Shacklett, attempted to carry out their purpose here day before yesterday. They, with cocked pistols, paraded several negroes about the street, and went in search of some who had been in the army, and would undoubtedly have killed them if they had been found. Some of us (very few) went into business about this point, and they were soon cleaned out, two being badly wounded.

I learn that yesterday they were assembled in force at Meadeville. No process of law can be served upon them. Now, what are we to do? I cannot undertake the business, for I have been thumped to death nearly heretofore.

Please inform me what may be looked for at once.

Obediently, &c.,

J. STEWART.

General FISK.

I just hear that yesterday at Meadeville a certain Mayor Harrison proclaimed that any one who hired a negro deserved to hang, and should be hung. This is a fellow they had charged as a spy, and I unfortunately lent a hand in getting him clear. It is certain that he went to pilot Berry and his gang through here last fall, and ought to be had up for that.

No. 3.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY AND TENNESSEE,
Assistant Commissioner's Office, Nashville, Tenn., February 14, 1866.

GENERAL: *Kentucky*.—I regret that I am unable to report the bureau affairs progressing as smoothly in Kentucky as in Tennessee.

The freedmen of the State are very generally disposed to enter into labor contracts for wages or a share of the crop, and most of them prefer remaining in their own State to emigration elsewhere. On the part of a large majority of the whites, I believe there is an honest desire to adjust on a fair basis the new relations arising from the abolition of slavery, but the bureau is not a popular institution with them. They regard its presence among them as unauthorized—denounce its officials as usurpers and despots, and clamor for its immediate removal from the State.

In obedience to orders, immediately upon the ratification of the constitutional amendment forever abolishing and prohibiting slavery, I extended over the more than two hundred thousand (200,000) freedmen of Kentucky the supervision of this bureau, and appointed agents in a few counties only. Superintendents were selected from the citizens, and appointed upon the recommendation of the best men I could consult. The Kentucky legislature has, by numerous resolutions, called upon government to remove the bureau from the State—propositions to forever disqualify any citizen from holding an office in the State who might act as an agent of this bureau, were introduced and discussed. The official State paper (Louisville Democrat) has declared that, by the ratification of the constitutional amendment, the slavery question has become more unsettled than ever, and many of its readers believing its doctrines, practice accordingly, and still hold freedmen *as slaves*. These influences in opposition to freedom have rendered it difficult to conduct the bureau affairs in Kentucky with that harmony and efficiency which have elsewhere produced good results.

More than twenty-five thousand colored men of Kentucky have been soldiers in the army of the Union. Many of them were enlisted against the wishes of their masters, and now, after having faithfully served their country, and been honorably mustered out of its service, and return to their old homes, they are not met with joyous welcome, and grateful words for their devotion to the Union, but in many instances are *scourged, beaten, shot at*, and driven from their homes and families. Their arms are taken from them by the civil authorities, and confiscated for the benefit of the Commonwealth. The Union soldier is *fined* for bearing arms. Thus the right of the people to keep and bear arms as provided in the Constitution is *infringed*, and the government for whose protection and preservation these soldiers have fought is denounced as meddlesome and despotic when through its agents it undertakes to protect its citizens in a *constitutional right*. Kentuckians who followed the fortunes of John Morgan, and did all in their power to destroy the nation, go loaded down with pistols and knives, and are selected as candidates for high positions of honor and trust in the State. The loyal soldier is arrested and punished for bringing into the State the arms he has borne in battle for his country.

That you may have a bird's-eye view of the protection afforded the freedmen of Kentucky by the civil law and authorities, I have the honor to invite your attention to the following extracts from communications received from our correspondents in that State.

C. P. Oyler, of Covington, writes as follows:

"Jordan Finney and family (freedmen) lived in Walton, Kentucky; they owned a comfortable home. Two of the daughters were wives of colored soldiers, and lived with him. Returned rebel soldiers hereinafter named com-

bined to drive this family from the State. They attacked the house three times, abused the women and children, destroyed all their clothing, bedding, and furniture to the value of five hundred dollars, (\$500,) and finally drove them from their homes. The names of the perpetrators, so far as known, are Allen Arnold, John Arnold, Franklin Yowell, Woodford Fry, L. Snow and Robert Edwards; all live in Walton, Kentucky. An attempt was made to bring these parties to justice, but it failed, as *colored testimony could not be received*. This same man Finney has a daughter held as a slave by Mr. Widen Sheet, of Boone county, whom he values at one thousand dollars (\$1,000.) Sixteen armed men resisted Mr. Finney and an expressman when they went for the girl, and beat them cruelly with clubs and stones."

"An old colored man, named Baxter, was shot and killed by James Roberts, for refusing to let Roberts in his house. The civil authorities will neither arrest nor punish said Roberts, as there is no testimony except of colored persons." (Reported by Thomas Rice, Richmond, Kentucky.)

"Lindsley Taylor, of Richmond, stabbed a negro on the 30th of January, for no cause save that the negro did not wish said Lindsley to search his house. The civil authorities tried Taylor and acquitted him." (Reported by Thomas Rice, superintendent.)

L. L. Pinkerton, superintendent of Fayette county, at Lexington, reports that, "in his and the opinion of all whom he has consulted, the freedmen cannot receive their just rights without a considerable military force."

C. P. Oyler Covington, writes: "The civil officers, after the late action of the Kentucky legislature in regard to the Freedmen's Bureau, refused to co-operate with me, and manifest a disposition to drive the bureau out of the State. It will be impossible to secure to freedmen their just rights without the aid of a military force. Colored people are driven from their homes and their houses burned."

William Goodloe writes: "The counties of Boyle, Lincoln, and Mercer are infested with guerilla bands. Outrages are mostly committed upon colored persons. The evidence of colored persons is not taken in court. I am powerless to accomplish anything without soldiers."

"Peter Branford, a returned colored soldier, in Mercer county, was shot by James Poore, a white man, without cause or provocation."

Judge Samuel A. Spencer, of Green county, writes: "A great many colored men are beaten, their lives threatened, and they refused the privilege of returning home *because they have been in the army*. I cannot accept the agency on account of the action of the Kentucky legislature."

E. P. Ashcraft, of Meade county, writes: "Richard, William, Jesse, and John Shacklett and Martin Taylor, returned rebel soldiers, have on different occasions attacked negroes with fire-arms, and say they intend no d—d niggers shall live on this side the Ohio." "The civil authorities are powerless."

R. W. Thing, of Warren county, writes: "An old negro was killed by gunshot while attempting to run from a white boy eighteen years of age, to escape a whipping."

"A freedman was attacked in his cabin and shot. He and his wife ran to the woods, with bullets flying thick and fast around them from five or six revolvers, the woman escaping with her life by tearing off her *chemise* while running, thereby presenting a darker-colored mark."

"A woman was stabbed by a white woman in the neck, the knife penetrating the windpipe, for giving water to a Union soldier in a tumbler."

"A woman and her son were horribly cut and mangled with the lash and then hung by the neck until so nearly dead that water had to be thrown in their faces to revive them to make them acknowledge that they had set a house on fire."

"A woman received a severe cut in the head from a club in the hands of a man, who drove her from her home because her husband had joined the army."

"There are several cases of robbery of colored persons by returned rebels in uniform, in Russellville, Kentucky. The town marshal takes all arms from returned colored soldiers, and is very prompt in shooting the blacks whenever an opportunity occurs."

"I have a case in hand to-day where a white man knocked down an old man eighty years of age, because he asked for and urged the necessity of his pay for cutting eight cords of wood."

"There has been a large number of cases of women and children being driven from home on account of their husbands enlisting."

"It is dangerous for colored people to go into Logan, Todd, Barren, and the north part of Warren counties, after their children."

"A freedman's wife left her former master and came to live with him, (her husband.) She was followed and shot at."

"A furloughed soldier of the 12th United States colored artillery was murdered at Auburn, Kentucky, while sitting on his bed. The civil authorities do nothing in the case."

"An old freedman in Allen county was shot and killed because he would not allow himself to be whipped by a young man."

"Major Lawrence, of the 17th Kentucky cavalry, reports that a negro was shot in one of the streets of Russellville last night. No cause whatever for it. Several negroes came to me to know what they should do, saying they had been robbed by a party of men wearing the Confederate States uniform. The judges and justices of the peace in almost every instance are rebels of very strong prejudices, who will not even take notice of the most *hideous outrages*, and if a case is turned over to them they will not administer justice. The action of the courts in southern Kentucky indicates that the day is *far distant* when a negro can secure justice at the hands of the civil law."

"In Grant county a band of outlaws, styling themselves 'moderators,' made an attack upon the colored citizens for the purpose of driving them from the State. They went late in the night to their homes, took them from their beds, stripped and whipped them until they were unable to walk."

Colonel William P. Thomasson, of Louisville, Kentucky, writes that "outrages and wrongs upon freedmen are numerous, especially upon returned colored soldiers. A few nights since a colored soldier just mustered out, with his money in his pocket and a new suit of clothes on his back, was waiting for the cars at Deposit station, a few miles from Louisville; four or five young rowdies of the place set upon him to rob him. He was a light-colored man, and one of the robbers said to his fellows, 'He is a *white* man; let him alone.' A dispute arose as to his color, and he was taken into a grocery, a lamp was lit, and the question of his color settled. He was then robbed of his money, arms, and clothing, was stripped to his shirt, and told to run. He did run, and was shot at while escaping, and the shot took effect in his hand."

I am in daily receipt of similar reports from our superintendents, judges, sheriffs, and military officers. Some of the writers dare not be known as giving this information, fearing assassination as the consequence.

For narrating at a freedmen's commission anniversary meeting in Cincinnati, on the 18th ultimo, what I had myself seen of brutalities in the "Blue Grass," I have been denounced in the Kentucky legislature as a liar and slanderer. A committee has been appointed to investigate the matter. I have furnished them the names of witnesses, and requested that their powers be enlarged, and they authorized to investigate the condition of the freedmen throughout the State; but I have good reason for believing that the committee will simply make a report that General Fisk is a great liar, and should be removed from office, &c. It is well to remember that a more select number of vindictive, pro-slavery, rebellious legislators cannot be found than the majority of the Kentucky legislature. The President of the United States was denounced in the senate as a

- worse traitor than Jefferson Davis, and that, too, before the bureau tempest had reached them.

The entire opposition is political, a warfare waged against *loyalty, freedom, and justice*.

I have endeavored to administer the affairs of the bureau in Kentucky precisely as in Tennessee; have studied to be conciliatory in every particular and not to interfere in the least with the civil affairs of the State, except my duties and orders imperatively demanded it. As yet, the legislature have enacted no laws securing impartial liberty and right, and I very much fear they will not at this session. The late letter of Major General Palmer, on Kentucky affairs, is truthful and candid. I wish her good people would heed his counsel, and her lawmakers follow his wise suggestions.

There are many old, infirm, and sick, and orphans, in Kentucky, who have been thrown upon the government for support. Rations were issued to this class in December at a cost of four thousand nine hundred and ninety-three and fifty-six one-hundredths dollars ($\$4,993\frac{56}{100}$)—eight-fold the cost of sustaining the same class of persons in Tennessee the same month. In the latter State the people have much more generously treated the unfortunate freedmen, especially the families of fallen soldiers, than have the Kentuckians; hence the cause of the increased expense to the government of providing for the destitute freedmen. Every effort is being made to secure homes for the widows and orphans in other States. A large number have been kindly received and provided for in Ohio and Indiana. The "Western Freedmen's Aid Commission" have rendered me valuable service in locating this class in comfortable permanent homes.

In making this extended report of Kentucky affairs I wish nothing to "extenuate or aught set down in malice" It is best that you understand the case fully. I rejoice that there are so many persons in the State who treat the freedmen justly and generously. Outlaws in different sections of the State, encouraged by the pro-slavery press, which daily denounces the government and its officials, make brutal attacks and raids upon the freedmen, who are defenceless, for the civil law-officers disarm the colored man and hand him over to armed marauders. In neither Tennessee, Georgia, Alabama, Mississippi, nor Arkansas, where I have had an opportunity of observation, does there such a fiendish spirit prevail as in some portions of Kentucky. I trust that ere long the better portion of the people will rise in their indignation and demand that justice be done to all the citizens of the State.

It has fallen to my lot to officially stand by the death-bed of slavery in the United States. Kentucky's throes are but the aspiring agonies of the great barbarism.

I trust the government will insist upon strict justice for every man, woman, and child who through the Red sea of civil strife has marched from slavery to freedom.

I will try to do my whole duty regardless of denunciations, jeers, and threats of assassination. I will give cheerful heed to your admonitions and counsels.

While I remain in this position I desire the power to protect the poor, the weak, and the ignorant, who confidently look to this bureau for the protection which the State, made rich by their unrequited toil, yet fails to afford them.

Very respectfully, your obedient servant,

CLINTON B. FISK.

Brevet Major General, and Assistant Commissioner.

Major General HOWARD,

Commissioner, &c., Washington, D. C.

No. 4.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY AND TENNESSEE,
Assistant Commissioner's Office, Nashville, Tenn., February 14, 1866.

GENERAL: *Tennessee*.—I have the honor to report continued improvement in our bureau affairs in Tennessee. In industry, education, good order, and justice, there is steady advancement. There are but few able-bodied idle freedmen in the State. The emigration from town and city to plantations in the country has been large. Our superintendents, chosen generally from the citizens, have earnestly and successfully labored to place the freedmen in good homes, at fair wages, or for a share of the crop raised.

There are in the State but few dependents, to whom government rations are issued. The cost of subsistence furnished by the government in the month of December to the aged, infirm, orphans, and sick in the entire State, was only six hundred and twenty dollars and twenty-eight cents (\$620 28.)

Organizations among the freedmen themselves, for the relief of their own poor, have rendered valuable service. The "Nashville Provident Association," a society conducted by the colored people of that city, has its coal and wood depots, soup-house, physician, &c. This society relieves the suffering poor without distinction of color, and its daily reports exhibit that a greater number of white than of colored persons are its beneficiaries; many widows and orphans whose husbands and fathers fell fighting to perpetuate slavery, have been fed and warmed through the kindly offices of the Freedmen's Association for the Relief of the Poor. Various benevolent societies of the northern States, through their agents and teachers, have contributed largely to the personal relief of the suffering. The legislature has, by recent enactment, admitted colored persons to the rights of suitor and witness in the courts of the State, and the law will become operative at an early date.

Through the rich agricultural districts preparations are being made for vigorous industry the present year; fences are being rebuilt, plantations stocked with teams, implements, and seeds, and a determination manifested generally to redeem the waste places, repair the desolations of war, and again place the Commonwealth on the high road to prosperity. It shall be my constant aim to so conduct the affairs of this bureau as to aid in the good work of complete restoration and substantial progress.

Very respectfully, your obedient servant,

CLINTON B. FISK,

Brevet Major General, Assistant Commissioner.

Major General HOWARD,

Commissioner, &c., Washington, D. C.

No. 5.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Headquarters Ass't Com'r, State of North Carolina,
Raleigh, N. C., January 15, 1866.

GENERAL: I have the honor to transmit herewith my report of the various operations of this bureau for the quarter ending December 31, 1865. The figures and facts speak so plainly for themselves that I need add but very few remarks. Defective as our organization is, in some respects, hampered by its dependence upon, and subjection to, other branches of the War Department; yet having got established and its machinery put in motion, it is doing its work with vigor and success. Many changes among my subordinate officers have

been caused by the muster out of their regiments, but the losses sustained have been partially compensated by details from the Veteran Reserve Corps. My efforts to secure the services of citizens as agents of the bureau have not met with success. Immediately after your visit here in October, I addressed a note to each member of the constitutional convention, requesting him to give me the name of some suitable person in his own county to be appointed to this office. But though so many promised to you their hearty co-operation in organizing this agency, not one replied to my request. I have, however, by other means, found a few who were willing to accept the position, and some of them have done good service; others have proved unfit for the duties required, not being able to comprehend that a negro can be a free man, or can have any rights which a white man is bound to respect. My experience so far is against the appointment of any other than military officers. Even these, after being mustered out, are not as efficient as when in the military service; they fail to command respect; they do not inspire the freedmen with confidence.

As the year has drawn to a close, all the officers of the bureau have been busy settling up claims for labor during the past season. The old story has been repeated thousands of times: no definite bargain made, no wages promised; but, "Massa said stay till the crop is made and he would do what was right;" on that point, "what is right," arises the dispute. But when the parties can be brought together and all the facts heard, it is in most cases easy to make a satisfactory decision. Captain Evans reported that as many as one hundred and fifty claims and difficulties of this kind were brought before him, in Warren county, at the close of the year. So long as these claims and questions of wages were unsettled, it was natural that the freedmen should refuse to enter into any new contracts for another year. They wanted a little experience to give them faith. And it gives me great pleasure to state that in a large majority of cases a fair settlement has been effected. I have put the question to officers in all parts of the State, "How large a proportion of the white people are willing to treat the negroes with fairness?" The answer is, "From three-fourths to four-fifths." The other fourth or fifth would oppress them and defraud them, if permitted; perhaps a larger proportion might show a disposition to do this were it not for the restraining presence of a military force. One sitting a few days in one of our offices and listening to complaints, from morning till night, might suppose that the whole laboring population was unsettled. But such is not the case; the great mass have made their bargains for the coming year, and trains are seen moving from the towns to the farming districts. So generally have the freedmen sought employment, and obtained it, that the demands for laborers cannot be easily supplied. If, in some instances, they leave their employers, it is no more than we should expect, and often it will not be difficult to discover a good reason. By an arrangement with L. B. Olds & Co., land agents, I have an intelligence office in nearly every county.

The expectation that lands would be granted by government—a hope first kindled by rebel politicians in their efforts "to fire the southern heart," and afterwards increased by the confiscation act—has now passed away. All officers of the bureau discountenanced such hopes, by public addresses and circulars, widely scattered; but so fixed had they become before the war closed, that it was not easy to eradicate them. When, however, Christmas actually passed, and the year ended without any gifts of the kind, it was admitted that we had told them the truth, and that they had been deceived by the talk of their former masters. So, also, on the other hand, have the idle and conscience-begotten fears of insurrection passed away; the holidays have gone by and no outbreaks have occurred. All admit that a more quiet and orderly Christmas has never been enjoyed in this region. The history of the world may be challenged for another instance of such good conduct, in similar circumstances, as the freedmen have thus far maintained.

During the quarter thirty-seven (37) cases of violent assault upon freedmen, or other criminal acts, have been reported to the military authorities for trial, or such action as might be deemed proper. Of these thirty-seven cases, the only ones brought to trial, so far as this bureau has information, are those of "Isaac and Wiley, freedmen, of the town of Salisbury, Rowan county," on the charge of "larceny," of which they were found "not guilty," and discharged. Several cases reported during the previous quarter have been tried; among them are—

1. Emanuel Baxter, (colored :) "Assault with intent to commit rape." Not guilty.

2. John W. Gorman, (white :) "Assault and battery." Guilty; fined \$50, and imprisoned thirty days. Fine remitted by reviewing officer.

3. Stephen C. Lee, (white :) "Murder." Found guilty, and sentenced to be hung. Sentence remitted by reviewing officer on the ground that malice was not proved.

4. Joseph Corpening, (white :) "Assault with intent to kill." Found guilty of "shooting with intent to maim." Sentence five hundred dollars' fine and ninety days' imprisonment.

5. George A. Pitts, J. A. Propst, William Ristler, Alfred Sitaker, Thomas Williford, Gibson Kline, and Dwight Russell, (white :) "Riot and assault and battery." Pitts, Propst, Ristler, Williford, and Sitaker found guilty, fined, and imprisoned; Kline and Russell acquitted.

6. Shock, (colored :) "Rape on colored girl." Finding, guilty; sentenced to be hung. Sentence mitigated to one year's hard labor.

7. Monroe Davis, (white :) "Riot and assault and battery." Guilty, and imprisoned four months.

8. Privates Bloom, Shannon, and Lims, 128th Indiana volunteers: "Assault upon freedmen, &c." Guilty, and sentenced to loss of six months' pay.

9. Henry Brown, (colored :) "Theft." Guilty, and imprisoned two months.

10. Guion Earp, (white :) "Maltreatment of freedman, and assault and battery." Guilty; sentenced to hard labor on public works two years.

Some of the cases reported during the last quarter are as follows:

1. Willis P. Moore, charged with the murder of a colored man.

2. Reddick Kearney and others, Pitt county. Riot and murder of two freedmen.

3. Magistrates of Brunswick county sentenced two colored men to be sold into servitude for five years. This case was acted upon promptly by General Crook, and the freedmen released.

Contrary to my fears as expressed in a former report, there is no increase of dependents as winter advances. The rations issued have steadily diminished.

The demands for clothing have been great, but the supplies now on hand from the quartermaster's department are ample for men and boys. It is more difficult to furnish what is needed by women and children. There are many cases of great destitution among whites, which I should be glad to relieve; but as they are not "loyal refugees," they do not come within my jurisdiction.

While there has been a decrease of dependents there has been a gratifying increase of schools and of pupils attending them, as will be seen in the admirably prepared report of Mr. F. A. Fiske, superintendent of schools, showing that though the novelty of the privilege of learning is now gone, the interest of the people in the education of their children has not abated. In some instances planters have established schools for their employés, as a means of promoting good order and contentment. It is also very gratifying to see a few churches organizing Sabbath schools for colored children. The Baptist church in this city setting a noble example, has already a large freedmen's Sabbath school in successful operation.

By means of the apprenticeship system, comfortable homes have been provided for a large number of orphans and other destitute children. The system

is popular, but I am very suspicious of it. The practice of binding out children is dangerous, inasmuch as it fosters the old ideas of compulsory labor and dependence. Still, with proper safeguards, it may be useful as a temporary expedient.

Under the direction of Surgeon Hogan, the hospital department is now well organized. His report exhibits fully the sanitary condition of freedmen, and the means used for the relief of the sick.

- In the land reports forwarded herewith will be found a complete list of all farms and town lots restored, with their estimated value, and another list of those remaining in the possession of the bureau. The lands remaining are of but little value, and will afford but small revenue. But the balance in the treasury will pay current expenses, until it shall be determined by Congress whether the bureau is to be continued or not; and if so, by what means it shall live.

For convenience of reference, I present the principal facts gathered from the reports of staff officers and superintendents of districts in the following tabular form :

Land report.

	No.	Aggregate No of acres.	Estimated value.
Farms or plantations restored during the six months ending December 31, 1865.....	149	70,000	\$693,920
Town lots restored during the six months ending December 31, 1865.....	422	.....	1,900,288
Farms or plantations remaining on hand January 1, 1866.....	87	13,650	108,200
Town lots remaining on hand January 1, 1866.....	33	.....	100,000

Statistics.

	Quarter ending Dec. 31, 1865.	Previous quarter, end- ing Sept. 30, 1865.
Contracts witnessed.....	327	257
Freedmen employed by contract.....	3,488	1,847
Schools established.....	86	63
Teachers employed.....	119	85
Scholars attending.....	8,506	5,624
Cases of difficulty reported in full.....	325	257
Cases of crime reported for trial.....	37	12
Cases not reported in writing.....	3,043	Several thousand.
Rations issued.....	333,834	508,924
Value of rations issued.....	\$73,443 48	\$106,865 11
Hospitals.....	12	14
Sick in hospital.....	3,132	5,441
Orphans apprenticed.....	393	42
Deaths in hospital.....	555	2,642

Financial report for the quarter ending December 31, 1865.

RECEIPTS.

Balance as per last quarterly report.....	\$11,001 48
For rents, &c., in October, 1865.....	1,241 38
For rents, &c., in November, 1865.....	2,074 85
For rents, &c., in December, 1865.....	863 88
	\$15,181 59

EXPENDITURES.

Current expenses in October, 1865.....	\$1,767 99	
Current expenses in November, 1865.....	2,131 38	
Current expenses in December, 1865.....	3,484 06	
		\$7,383 43
Balance on hand January 1, 1866.....		7,798 16

Very respectfully,

E. WHITTLESEY,

*Colonel and Assistant Commissioner.*Major General O. O. HOWARD, *Commissioner.*

BUREAU OF REFUGEES, FREEDMEN, &C.,

HEADQUARTERS ASSISTANT COMMISSIONER,

Raleigh, N. C., December 31, 1865.

LIEUTENANT: I have the honor to submit the following report of the operations of the medical department of the bureau for the three months ending on the 31st day of December, 1865.

On reporting as surgeon-in-chief of the district on September 1, I found that there were no medical officers on duty with the bureau. A request was immediately made to Surgeon Horner, chief of the medical department of the bureau at Washington, to have surgeons ordered here, none being obtainable in this State. While waiting the arrival of medical officers I made an inspection of the several camps of the eastern and southern districts.

The following acting assistant surgeons are employed under contract, and paid out of the funds of the bureau :

Assignment of medical officers.

Name.	Rank.	Assigned.	Station.
H. R. Curtis	A. A. Surgeon	Sept. 28, 1865	Beaufort.
J. E. Winants.....	A. A. Surgeon	Oct. 9, 1865	Wilmington.
Louis Masson	A. A. Surgeon	Oct. 14, 1865	Raleigh.
J. K. Fleming	A. A. Surgeon	Oct. 14, 1865	Newbern.
A. B. Chapin	A. A. Surgeon	Oct. 18, 1865	Roanoke island.
D. H. Abbott	A. A. Surgeon	Oct. 30, 1865	Charlotte.
S. A. Bell	A. A. Surgeon	Nov. 23, 1865	Greensboro.

The following regimental officers were detailed to attend the sick and wounded refugees and freedmen by the medical director of the department :

Name.	Rank.	Assigned.	Station.
M. F. R. Hoffman	Surg. 128th Indiana vols....	Nov. 4, 1865	Salisbury.
D. Salisbury.....	Asst. Surg. 128th Ind'a vols.	Dec. 18, 1865	Morganton.

Instructions were issued to each surgeon on his assignment to duty to immediately make a requisition for a three months' supply of medical and hospital stores for the number of persons under charge of the bureau at his post.

In obedience to these instructions medical stores have been drawn in accordance with Circular No. 5, Standard Supply Table for Refugees and Freedmen, Surgeon General's Office, Washington, August 3, 1865, for seven thousand (7,000) persons, and outfits drawn to establish hospitals for six hundred patients.

Hospitals are now in operation with accommodations for four hundred and sixty-five (465) patients.

Hospital outfit drawn.		Capacity of hospitals established.	
		Non-contagious diseases.	Small-pox.
	<i>Beds.</i>	<i>Beds.</i>	<i>Beds.</i>
Wilmington.....	100	50	25
Raleigh.....	100	75	40
Beaufort.....	100	50	25
Newbern.....	100	100	.....
Roanoke island.....	100	50	.....
Charlotte.....	25	.....	.....
Salisbury.....	25	25	.....
Greensboro'.....	25	25	.....
Morganton.....	25	.....	.....
Total.....	600	465	.....

At Wilmington we have had to use the buildings at Camp Jackson as a hospital until better could be obtained. Those buildings are too small and ill-proportioned, each 12 by 16 feet, to answer the proper requirements of a hospital. Frequent efforts have been made since last September to obtain the government buildings at Camp Lamb, (five buildings, each 100 by 25 feet,) to have them converted into a hospital. The bureau has lately got possession of them through the district commander at Wilmington, and they are now being fitted up for hospital purposes by Brevet Major Mann, assistant quartermaster. At Charlotte no hospital has as yet been established, owing to our inability to obtain buildings. An order issued some time ago by the department commander, transferring government buildings at that point to the bureau, will in a very short time enable us to open a hospital there. Application was made on the eleventh of the present month to the department commander for two of the buildings now used as a United States hospital at Morehead City for hospital purposes for freedmen. No reply has so far been made to the application.

DISPENSARIES.

Dispensaries have been established at Raleigh, Newbern, and Wilmington, from which large numbers of poor, both white and colored, receive medical aid.

REPORT OF SICK AND WOUNDED.

Tabular statement of sick and wounded from October 1 to December 31, 1865.

Date.	Remaining under treatment.	Gain during the month.	Total under treatment during the month.	Discharged during the month.	Died during the month.	Percentage of deaths during the month.	Remaining at end of the month.
October 1.....	299	1,151	1,450	612	274	19	564
November 1.....	564	911	1,475	964	152	10	359
December 1.....	359	1,070	1,429	788	129	9	512
Total.....	.....	3,132	.....	2,364	555	.....	.....

Months.	Average No. of beds.		Average attendance.		Births.		No. vacci- nations.
	Occupied.	Vacant.	Male.	Female.	Male.	Female.	
October...	100	151	8	12	3	2	488
November.	155	182	10	22	5	6	511
December.	200	202	16	28	27	39	378

On examining the above table of sick and wounded it will be seen that there were sick, on October 1, two hundred and ninety-nine (299) cases. Taken sick and treated during the three months, 3,132; total number of cases treated, 3,431; discharged from treatment, 2,364; died, 555; remaining under treatment at date of this report, 512. Two hundred and thirty-four (234) of the above cases were small-pox.

I proposed, towards the end of last month, to the medical director of the department, Brevet Lieutenant Colonel Coolidge, United States army, that surgeons on duty with the bureau, when stationed where there were detachments of troops unprovided with medical officers, could be ordered to attend them; requesting at the same time that medical officers stationed with troops would, in return, be ordered to take care of freedmen. This Surgeon Coolidge readily assented to. As a consequence, the troops stationed on Roanoke island, at Charlotte, and at Greensboro', are attended by surgeons employed by the bureau. The freedmen at Salisbury and Morganton are taken care of by surgeons belonging to the army.

TRANSPORTATION.

Medical officers in some of the sub-districts have, from time to time, found it very difficult to obtain ambulances, or other transportation, for the use of the sick, from the quartermaster's department. To provide against a recurrence of this inconvenience in future, I would recommend that officers of the bureau who are qualified to hold such property be instructed to do so, when it is deemed necessary to the better working of the bureau, as authorized by General Orders No. 147, Adjutant General's Office, Washington, October 10, 1865.

I have the honor to be, very respectfully, your obedient servant,

M. K. HOGAN,

Surgeon U. S. Volunteers, Surgeon-in-Chief.

FRED. H. BEECHER,

Lieutenant and Acting Assistant Adjutant General.

Official copy :

FRED. H. BEECHER,

Lieutenant and Acting Assistant Adjutant General.

[Extract.]

RALEIGH, February 26, 1866.

DEAR COLONEL : I have not had time to make a collection of papers for you. The enclosed are from the Raleigh Progress, the most loyal paper in this State, I think. There is no doubt in my mind about the sentiment of the people. All (with very few exceptions) hail the veto with delight, but when they find it does not suspend our operations, nor modify them, they will cool down. I am not at all disturbed by it, but go right on just as before.

* * * * *

Yours truly,

E. WHITTLESEY.

Colonel WOODHULL.

SPIRIT OF THE MORNING PRESS.

The Standard devotes nearly three columns to extracts from the northern press, and comments thereon, concerning the President's veto message, all of which only proves that what has been called the democratic or copperhead press supports the President, while the republican press has broken with him and adhere to their party and its principles.

Of the message vetoing the Freedmen's Bureau bill, the Standard says : "We have carefully read the late message of the President. We indorse every word of it. The President has taken a true position in relation to the constitutional power of the government on the subject, and so far as the operation of the measure vetoed is concerned, he has shown that it would have been a fruitful source of corruption, and that the patronage which such a measure would necessarily have carried with it would have been too great to be placed in the hands of one man. He is ready and willing to do anything reasonable, just, or proper to protect the free colored people of the south, but he could not give his assent to this bill. We believe the practical workings of the bill, instead of benefiting the colored race, would have resulted in their lasting injury.

"Nor is there anything in the veto message of which a Union man can justly complain. The President simply insists on the principle of his plan for restoring the States, and he urges the full admission at this time of no State except Tennessee, whose past action has been such as to justify the fullest confidence, and whose members elect to Congress can take the prescribed oath. All that part of the message relating to the admission of the States turns upon the necessity that the members of Congress presented by them for admission shall be unmistakably loyal men, or, in other words, 'representatives whose loyalty cannot be questioned under any existing constitutional or legal test.'

"We have frequently heard the question asked, Will Andrew Johnson stand firm? There need be no apprehension on this score. He will devote all his nerve and all his energies to the restoration of the Union on a just basis, and in doing this he will not desert the Union men of the south."

The Sentinel devotes much of its space to the banking question, which is rather too heavy for our columns. That paper indorses the veto message of the President in the warmest terms. The Sentinel says : "We appropriate considerable space to-day to the able message of President Johnson, on returning the Freedmen's Bureau bill without his signature. The document is so marked by sobriety, clearness of argument and justness of conclusion, and withal so fully accords with the teachings of the fathers of the republic, that one in reading it almost imagines he is listening to the messages of some of the earlier Presidents. If we do not wholly mistake the temper of the people of the north, the honest masses everywhere will indorse it. All honor to Andrew Johnson. The circumstances under which he takes the step eminently point to him as the man for the times—indicate a firmness of purpose seldom exhibited, and that he is to prove the breakwater against the radical waves which dash madly against the Constitution. Let the people everywhere sustain the President, by the most careful avoidance of everything which would weaken him before the masses of the north, and by the prompt adoption of a policy which will give him all the moral support possible. The message will bear re-reading and careful pondering."

We have no hesitation in expressing the opinion that the vetoing of the Freedmen's Bureau bill will delay the admission of members of Congress from the southern States, and render more distant the day of final, satisfactory restoration. With 30 to 18 in the Senate, and 109 to 40 in the House of Repre-

sentatives, against the President, he cannot expect his policy, when in antagonism to that of the majority of Congress, to succeed. The Executive may counsel and advise, but cannot expect to control the legislative department of the government.

We fear that the union of these States is much further from being accomplished than many persons imagine, and that we are nearer to the beginning of another revolution than the most reflecting are willing to admit. The scenes recently enacted at the capital of Kentucky, and the blood-heat excitement prevailing at Washington, bode no good. The staid and steady National Intelligencer, the reputed organ of the President, speaks of the majority of Congress as a "revolutionary cabal;" and several members of the Kentucky legislature have expressed their readiness to take up arms again against the government.

The generals and their brave followers of the great national armies have done their work well, and as far as arms could go crushed the rebellion and restored the peace of the country; but there is evidently a want of patriotism and statesmanship both at Washington and the State capitals. The end of our troubles is not yet.

The President's policy.—The people must come up to the support of the President. However we may differ on minor points, or on some that are important, we cannot afford to permit those differences to cause us to hesitate one moment in yielding to him, in the coming struggle with the radical majority in Congress, an unswerving support. We are powerless to do more than to give the mere support of our approval. We have no votes in Congress to rally around the small band of his supporters, and swell their numbers, but the united sentiment of a people so intelligent as those of the southern States must carry with it a tremendous power.

Since writing the above, we have received despatches from Washington city announcing that the President has vetoed the amendment to the bill for the increase of the power of the Freedmen's Bureau. Here the issue between the radicals and the President is fairly joined.

Let the south as one man sustain the Executive. Before this decisive step on the part of the President was taken, the people of Virginia had begun to assemble in mass meetings to approve the policy of reconstruction. Let the people of North Carolina in like manner move. Shall an initiatory move be made in Wayne county during the present court week?

What say the people?—*Goldsboro' News.*

No. 6.

HEADQUARTERS ASSISTANT COMMISSIONER, BUREAU REFUGEES,
FREEDMEN, AND ABANDONED LANDS, SOUTH CAROLINA,
Charleston, South Carolina, January 15, 1866.

GENERAL: I have the honor to herein submit a brief made up from reports received from the A. S. A. commissioners and agents of the bureau in South Carolina during the month of December, 1865. It shows, as far as can be ascertained, the state of affairs as existing during that month in the several districts of the State.

Anderson District.—Here, in July last, a planter proposed to his hands that they should sign a contract to work for him during their lifetime. They refusing, the planter drove them away without food or compensation for labor done. Four (4) of them, three (3) men and one (1) woman, went towards Columbia, but

before reaching there they were overtaken by two (2) white men, mounted and armed, whom the planter had sent in pursuit, asking the freedmen where they were going ; and being told, they seized them, and taking them to the adjacent woods, tied two (2) of the men by their hands and feet to trees, leaving the third man to hold their horses. The whites then each fired a shot at each of their two victims, killing them instantly. The third escaped by running to and jumping into a creek near by, the whites firing at but not hitting him. They then stripped the woman naked, gave her fifty (50) lashes on the bare back, and compelled her to walk back to the plantation. She was then put at the plough by day and confined by night for a week without anything to eat. At this time an officer happened at the place to whom the woman told her situation. The officer took her and her children to the place where her husband and the other man had been killed, found remnants of the bodies and buried them, then sent the woman and her children to Charleston. On her arrival she gave birth to a dead infant ; her sickness preventing her from telling her story until this time. The planter paid the two murderers for their services with twenty (20) yards of cloth, three (3) bushels of rice, two (2) bushels of salt, and a government wagon. The case has been referred to the department commander with the request that the murderers be brought to justice.

Beaufort District.—Agent on St. Helena island reports two decisions of provost court. In the first case, a freedman was found guilty of ordering the former owner off the place, and threatening to shoot him if he did not leave. He was sentenced to two months' imprisonment and to pay a fine of one hundred dollars (\$100) and costs, ten dollars, (\$10.) In the second case, two white men went to the place they formerly owned. They were charged by the freedmen with threatening their lives unless they left the place. They turned out one man, threatening to shoot him if he came back. Notwithstanding strong evidence against them, they were acquitted, but advised to be more careful in future. The inference is, that the color of the parties affected the decision of the court. Large numbers of the old and infirm, utterly destitute, are coming into the district from the upper country.

Charleston District.—A freedman reports that his employer beat him violently, and then, being irritated against the freedman because the court decreed seventy-five dollars (\$75) damages for the assault, refused to give him any portion of the crop. The owner was in the rebel army and returned to the place some months after the working of the crop had been commenced by the freedmen. In another part of the district a young woman, big with child, was, without any provocation thereto, tied up by the thumbs, and while in that position was brutally kicked by the overseer, the family of the woman being then all ordered off the place. From another part of the district a planter took his old hands into North Carolina, and after working them nearly all the year, sent them with little or no compensation to make their way to their old home as best they might. On another place two of the hands (a man and woman) were stripped naked and brutally whipped ; and another who left on that account was deprived of a horse (his personal property) and refused any share of the crop. In another part a planter had one hundred (100) people on his place who have made for him a good crop, of which he refuses to give them any part, even for their immediate use and support.

Columbia District.—The officer reports alarming destitution. Numbers of aged and infirm are coming in. There have not been as many complaints as formerly of brutal treatment. He thinks many contracts will be made for 1866, as both planters and freedmen seem disposed to come to terms, and a better feeling and understanding has arisen between employers and employés. Schools are flourishing and the number of scholars is increasing.

Georgetown District.—Here the number of applicants for support is increasing as the cold weather comes on and the slender crops of the freedmen

become exhausted. No more rations are issued, however, than is actually necessary. Every contract made in 1865 has been broken by the freedmen, the crops raised being barely sufficient to keep them from starving. No contracts have been made for 1866, though the planters generally are anxious to agree to any reasonable terms, and the officers try to induce the freedmen to contract. The idea that they are to receive lands still prevails, in the face of orders and verbal explanations to the contrary. The officer thinks they may contract on finding that they are to receive no lands; reports that many freedmen are supporting themselves by shooting game, and that stealing is becoming prevalent; states that the whites apprehended an outbreak during the holidays, and that proper precautions were accordingly taken, but that such caution was quite unnecessary, as the freedmen were perfectly quiet. They have no confidence in the planters' word, and the presence of an officer is imperative in every transaction. Small-pox still prevails to a considerable extent.

Orangeburg District.—All here is very quiet. No disturbances of any kind are reported. Crops are being satisfactorily divided, but are generally very small. Few contracts are being made for 1866. Some freedmen are desirous of contracting, but receive little or no encouragement from the planter. Some planters refuse to contract because they fear orders from the bureau conflicting with State legislation on the subject. They desire, in fact, and are working for the abolishment of the bureau, as they want to manage the freedmen without its assistance; but it is doubtful whether their management would be a judicious one. The freedmen have no faith in their late masters, but rest it solely in the bureau. Much difficulty and distress is anticipated in consequence of the planters' disposition to drive away the aged and infirm on account of their inability to work. Schools are doing well. Many utterly destitute refugees are in the district.

Besides those cases specified in the report, where freedmen have been driven away by their employers without pay for labor done, a report has been received from one of the agents on the coast, giving a list of seven planters who have thus defrauded their employes out of pay to the amount of over seventeen hundred dollars, (\$1,700.)

I am, general, with high respect, your obedient servant,

R. SAXTON,

Brevet Major General, Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, Freedmen,

and Abandoned Lands, Washington City.

Memorandum of report of cruelties in the several districts of South Carolina.

Anderson District.—In July last, a planter proposed to his hands that they should contract to work for him during their lifetime; they refusing, he drove them away without food or pay. Three men and one woman went towards Columbia; they were overtaken by two white men, who shot and killed two of the men; the third escaped; they then stripped the woman naked and gave her fifty lashes, and compelled her to return to the plantation, where she was put at the plough by day and confined at night for a week without food, until an officer happened that way, to whom she told her situation; he took her and her children to the place where her husband and the other man had been killed, found remnants of the bodies and buried them, then sent the woman and children to Charleston, where on her arrival she gave birth to a dead infant, her sickness preventing her from telling her story until this time. The planter paid the mur-

derers 20 yards cloth, 3 bushels rice, 2 bushels salt, and a government wagon for their services; case referred to department commander with request that the murderers be brought to justice.

Beaufort District.—Agent on St. Helena island reports two decisions of provost court: 1st, a freedman was guilty of ordering the former owner off the place and threatening to shoot him if he did not leave; sentenced to two months' imprisonment and fined \$100 and costs, \$10. 2d, two white men went to the place they formerly owned; they were charged by the freedmen with threatening their lives if they did not leave the place; they turned out one man, threatening to shoot him if he came back; notwithstanding strong evidence against them, they were acquitted, but advised to be more careful in future.

Charleston District.—A freedman reports that his employer beat him violently, and then, being irritated because the court decreed \$75 damages for the assault, refused to give the freedman any portion of the crop. He was in the rebel army, and returned to the place some months after the working of the crop had been commenced by the freedmen. In another part of the district a young woman, big with child, was tied up by the thumbs and brutally kicked by the overseer, and the family of the woman were ordered off the place. From another part, a planter took his old hands into North Carolina, and after working them nearly all the year, sent them back with little or no compensation. On another place, a man and woman were stripped naked and brutally whipped, and another who left on that account was deprived of a horse (his personal property) and refused any share of the crop. In another part, a planter had 100 people on his place, who made for him a good crop, of which he refuses to give them any part, even for their immediate support.

Columbia District.—The officer reports alarming destitution; numbers of aged and infirm are coming in. There have not been as many complaints as formerly of brutal treatment. Many contracts will be made for 1866, as both planters and freedmen seem disposed to come to terms, and a better feeling and understanding has arisen between employers and employés.

Georgetown District.—The number of applicants for support is increasing as the cold weather comes on and the slender crops of the freedmen become exhausted. Every contract made in 1865 has been broken by the freedmen, the crops raised being barely sufficient to keep them from starving. No contracts have been made for 1866, though the planters are anxious to agree upon any reasonable terms, and the officers try to induce the freedmen to contract. The idea that they are to receive lands still prevails, notwithstanding contrary orders and explanations. Many freedmen are supporting themselves by shooting game; stealing is becoming prevalent. The whites apprehended an outbreak during holidays and proper precautions were taken, but the freedmen were perfectly quiet. They have no confidence in the planters' word, and the presence of an officer is imperative in every transaction. Small-pox prevails to a considerable extent.

Orangeburg District.—Is very quiet, no disturbances reported; crops are being satisfactorily divided, but are generally small. Few contracts are being made for 1866; some freedmen are desirous of contracting, but receive little or no encouragement from the planters, who fear orders from the bureau conflicting with State legislation on the subject. They desire and are working for the abolishment of the bureau, as they wish to manage the freedmen without its assistance. The freedmen have no faith in their late masters, but rely solely upon the bureau. Much difficulty and distress is anticipated in consequence of the planters' disposition to drive away the aged and infirm who are unable to work.

Besides cases specified above, a report has been received from an agent on the coast, giving a list of seven planters who have defrauded their employés out of pay to the amount of over \$1,700.

No. 7.

HEADQUARTERS ASSISTANT COMMISSIONER, BUREAU REFUGEES,
FREEDMEN, AND ABANDONED LANDS, SOUTH CAROLINA,
Charleston, South Carolina, February 21, 1866.

GENERAL: I have the honor to herein submit a brief made up from reports received from the A. S. A. commissioners and agents of the bureau in South Carolina during the month of January, 1866. It shows, as far as can be ascertained, the state of affairs as existing during that month in the several districts of the State.

Beaufort District.—The officer in this district, who has charge of the South Carolina side of the Savannah river, reports that as yet it has not been necessary to issue either rations or clothing to the freedmen, and that there are no refugees. The question of land grants to the freedmen is a great difficulty there, as it is in many other places, and prevents in a great measure contracts being made. As usual, the freedmen have no confidence in their former owners and prefer to work for strangers, which disposition on their part disturbs in a great degree the system of labor.

Charleston District.—Here the planters generally are desirous of making fair contracts with the freedmen, but the latter in several instances have the impression that if they sign the contracts it will bind them again as slaves. In one case, the freedmen, though willing to work, refused to sign the contract, they having been told by some persons that if they did, they would be bound as slaves seven years. This unwillingness to sign papers of any description, in which their former masters are in any way concerned, is quite common among the freedmen. The officer in charge believes that some unprincipled men are exciting hostility on the part of the negroes against the planters, or persuading them not to make contracts, on the ground that they will either receive land from or be fed by the government, doing this with a view to preventing the freedmen from working until late in the season, when these men will themselves employ the freedmen at a low rate. Every endeavor is made to induce the people to go to work and earn money to buy land, instead of waiting for it to be given to them.

In many cases good feeling is established between planters and freedmen, and they have gone to work on fair contracts. Many planters are in want of provisions, and fear to make contracts, lest they should not be able to keep their laborers supplied till the crop is harvested. Should the plan of furnishing rations to needy planters (taking a lien on their crops) be carried out, many will be enabled to plant who otherwise cannot. The Cooper river is infested with a class of roving traders who sell liquor and other useless articles to and cheat the freedmen out of their crops. Measures are being taken to break up these gangs. Difficulty is experienced in obtaining medical attendance for the freedmen, as the country is thinly settled, and the people much scattered. In making contracts, the employer is held responsible that medical attendance is furnished the employé, who is, however, required to pay the cost thereof. On plantations where the planter has left without making provision for the freedmen, one man is selected to manage the place, and the people told to work, with the understanding that if the owner returns they are to make a reasonable contract with him. In St. Stephen's parish there are a large number of freedmen on vacant plantations, who as yet refuse to work, but efforts are being made to reduce their number.

Colleton District.—The officer in charge here has visited several plantations where there was no agent or owner, organized the people for work, putting a foreman over them till an authorized person should present himself to offer contract, the government, in the mean time, furnishing the people with rations. On

five plantations the freedmen declined contracting with the planter at any price, certain parties having assured them that the planter would be obliged to lease his land to them. As the contracts offered are reasonable ones, those who refuse to contract are ordered to leave the place. It is thought that in view of this alternative about half of them will change their minds and go to work under the contracts. The officer believes there is a combination along the Combahee river to refuse to work at any price.

Chesterfield, Darlington, Kershaw, and Marlboro' Districts.—General Richardson reports a favorable state of affairs. Freedmen are entering into contracts as rapidly as it is possible to do, and are receiving almost universally much better wages than any one expected would be offered. The planters generally are hopeful, and are exerting themselves earnestly in establishing between them and the colored people, by just and even generous treatment, mutual relations of confidence and respect. Cotton will be cultivated to an equal if not greater extent than at any former period, and there is every reason to believe with equal or increased success. The only apparent impediment to complete success is the want of sufficient capital by many of the land-owners to plant as extensively as they otherwise would. The propriety and necessity of educating the colored children is felt and expressed by all. It is believed the people will, whenever permitted, give such attention to this matter as they should. The quiet and orderly conduct of the people in the absence of the usual restraints of civil law is truly astonishing. The roads are as safe by night or day as in any other part of the country, north and south. There is little destitution existing.

The officer forwards a letter from a planter in Marlboro' district, who states that everything is working to their entire satisfaction; that the negroes are not only working, but working better than when they were slaves, and are as respectful and deferential as ever; that he is agreeably surprised at the success of the experiment as far as it has gone; that this is not only his own experience, but that of all without exception with whom he has conversed. One of the largest slaveholders remarks, that he is so well pleased with the freedmen that he would not have them slaves again if he could, and that similar remarks had been made by other, though smaller, slaveholders.

I give a full brief of this letter as coming from a southern man of calm, unprejudiced judgment, who, as he himself says, has yet misgivings on the subject of free labor, and is opposed to the social equality of the races.

Edgefield District.—Quite a number of affidavits in regard to outrages and unjust acts occurring in Edgefield district during the months of November and December, 1865, were received after the December report had been forwarded; but matters are now more quiet and orderly. Two officers have just been sent to that district that good order may be maintained and the system of labor properly carried out.

Orangeburg District.—Here it is stated that the disposition of the white people who have education is to let the negro take care of himself. They take delight in seeing him suffer, because it is a reflection on the government which has liberated him. If he dies they are still better pleased. Some poor white and black people need and get aid; but less is heard of colored than of white poor. All well freed people are at work for the year. Small-pox appears in every part of the district. It is believed that the freedmen work well and faithfully, and are honest wherever they are kindly treated. The emigration to the coast from the interior has been in a measure prevented by refusing transportation, although many have gone down paying their own way. Some have broken their contracts for the purpose of going to the islands. Two teachers and one hundred and forty scholars are at Orangeburg, and one teacher at Barnwell, both schools doing very well. Division of last year's crop is nearly completed, and the officers are occupied in the revision and approval of con-

tracts, the number of which is very large. The officer has ordered his subordinates to take up colored vagrants and put them at work on the roads. All is quiet and orderly. A few entirely destitute refugees are having rations issued to them.

Richland District.—Here also a favorable state of affairs is reported. Most of the planters have made contracts with the freedmen on favorable terms, and a general satisfaction seems to prevail. The only difficulty is to provide for those that cannot earn a living, and have no one to care for them. Two plantations have been established for people who cannot find homes elsewhere, and the officer has been furnished with some tools for their use, it being believed that this course will be cheaper for the government in the end than simply giving them rations without their working. Great interest is manifested by even the planters on the subject of education of the colored children, and the prospect in regard to schools is improving. Two hundred and seven contracts, including one thousand four hundred and twelve freed persons, have been made.

I am, general, very respectfully, your obedient servant,

R. K. SCOTT,

Brigadier General Volunteers, Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner of Refugees, Freedmen, &c., Washington City.

No. 8.

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,

FOR MISSOURI AND ARKANSAS,

Little Rock, Arkansas, January 10, 1866.

GENERAL: I have the honor to submit the following report for the quarter ending December 31, 1865.

Circular 16, from these headquarters, dated October 26, 1865, approved by Major General J. J. Reynolds, commanding department, and by his excellency Isaac Murphy, governor of the State, provides for the appointment of civilians as superintendents for this bureau. This provision became a necessity, as it was found to be impossible to obtain a requisite number of officers of the army to supply the demand for superintendents, and which were necessary to discharge the duties devolved upon this bureau. Numerous applications from all parts of the State have been received, asking for the appointment of agents of this bureau. In most of these applications a decided preference is expressed that *officers of the army* be selected to fill these positions, showing clearly that the purposes and intentions of the bureau are now better understood by the people than formerly.

For obvious reasons it was necessary to proceed with caution in the appointment of civilians to discharge the responsible and delicate duties devolving upon the superintendents, for, under the present laws of the State, the prejudices and unsettled condition of the people, both white and black, very much depends upon the action of the superintendent in the preservation of order, bringing into harmony the different classes, and making it possible that the industrial interests of the State can be resumed.

There are now on duty as superintendents in this State (9) nine officers of the army and (16) sixteen civilians. Some of these have served in and received honorable discharge from the United States army; these officers generally have discharged their duties in a satisfactory manner.

The want of means of communication with the interior portions of this State

has been from the first a source of embarrassment. In the southern portion of the State, and particularly the southwestern part, the sentiment of the people towards the government has not been and is not now such as we should desire. Where our armies did not penetrate before the "surrender," very many people in their ignorance seem to have even yet lingering doubts about the suppression of the rebellion. The Hon. E. W. Gantt, a prominent and well-known citizen of Hempstead county, once a bitter rebel, but who long since repented and has "shown works meet for repentance," and now entertains enlarged and liberal views with regard to the policy of the general government, has consented to act as an officer of this bureau without salary. He is by my orders exercising a general supervision over the southwestern portion of the State. Being deeply interested in the welfare of that portion of the State, and, indeed, the whole State, he is by his address and good management doing much to remove the bitterness and disorder that have reigned there. The freedmen regard him as a friend on whom they can rely, and he has been able to give them such assurances of protection as have removed their apprehension, and consequently they are making contracts and commencing their labor for another year, *feeling* they are *free* and will be protected in their freedom. Thus the best interests of *all* are promoted.

Mr. Gantt, in his report just received, says: "I am pressing the point vigorously upon our people that *bodily coercion* fell as an incident of slavery. Many of our best farmers confess that I am right; others growl and wish to be allowed to *enforce* their contracts, the simple English of which is to '*whip the nigger*,' and that I tell them they can't do. * * * * *

"I see by the act of Congress organizing the bureau that its existence is limited to one year after the war. If it should not be extended, there is no hope for the freedmen of Arkansas, Texas, and that portion of the south remote from railroads and telegraphs. They will be starved, murdered, or forced into a condition more horrible than the worst stages of slavery. Our people's wrath over defeat would be poured upon the heads of the helpless ones once their slaves. I say this sorrowfully of our people, yet I know it is but too true—their prejudices give way slowly. By extending the existence of the bureau, what education and thought failed to do might be supplied by an influx of liberal-minded people."

This is the language of a citizen whose intelligence and opportunities for judging entitle his statements to consideration. His statements are corroborated by all the testimony that reaches me from other parts of the State, and what is said of the southwestern portion is in the main true of the whole State. I give it as my deliberate opinion that if the military was withdrawn from the State not a school for colored children would be allowed within its borders, and I doubt if an outspoken Union man would be allowed to remain. In this sparsely settled and isolated country the process of "reconstruction" will necessarily be slow, and I am sorry to add that the influence and example of some of the men who have received special pardon was much better before their pardon than since; yet there is a perceptible improvement in the temper and sentiment of the people at large.

Laborers are in great demand, and good wages are offered. First-class hands readily obtain twenty dollars per month and board, cabins, fuel, medicine, and medical attendance. The freedmen being advised to give preference to those employers and localities where their children can attend schools, many of the planters have thus been compelled to give them these privileges on the plantations; some do it willingly and some grudgingly. The freedmen are able and willing to pay the expenses of schools, but cannot establish them without the approval of their employers. Many schools are being opened in this way on plantations, but we shall not be able to get returns from but a few, consequently our school report will not show anything like the number really in operation.

Circular No. 22, dated December 22, 1865, has been received and cheerfully complied with. I have from the first been governed by the spirit of its instructions. So far as I know, all my official acts have met the approval and sanction of the department commanders. Major General Pope, commanding department of Missouri, and Major General Reynolds, commanding department of Arkansas, have both afforded me every facility in their power to aid me in the discharge of my duties. I have, when possible, advised with them freely, and have been sustained by them and by all officers serving under them; I have not regarded the bureau as in any sense "independent of the military establishment."

By the report of schools forwarded herewith, it will be seen that there are in this State eighteen (18) schools, with nineteen (19) teachers, and fifteen hundred and sixty-nine (1,569) scholars. This is exclusive of schools on plantations. Many such have already been established, and many more will be as soon as teachers can be obtained. This is a favorable and encouraging feature, and gives promise of a permanent system by which the children of freedmen can be educated. When the negro will seek to obtain labor *only* where his children can have the privilege of attending school, such privileges will be provided on every plantation.

During the quarter just passed there has been no disturbance of note throughout the State. There have been a number of communications received, some of them numerous signed, representing that the negroes were organizing for insurrection, &c., and in some cases it was represented that the whites were greatly alarmed. Officers were sent where there seemed to be some little probability that there was cause for such reports, but in every case it was found that such representations were without *excuse* or *foundation*—simply fabrications for some base purpose.

The number of individual outrages is growing less, and it is believed that better order is maintained throughout the State than at any former period.

At this time (15th of January,) the freedmen are contracting to labor for the coming year freely; they are leaving the towns and going on to plantations, under contract, of their own accord; no compulsion, or even threat of compulsion, has been permitted.

There is great destitution and some actual suffering, mostly among the refugees and resident whites in the western part of the State. I am putting a liberal construction on the term "*refugee*," and as far as possible relieving the distress of helpless women and children. The issue of rations in that part of the State will of necessity show an increase. The monthly issues of rations to refugees and freedmen, respectively, during the quarter have been as follows:

	No. of refugees.	No. rations to refugees.	No. of freedmen.	No. rations to freedmen.
October.....	1, 593	12, 658	1, 517	26, 583
November.....	869	11, 935	1, 227	25, 173
December.....	1, 356	19, 352	714	15, 850
Total.....	3, 815	43, 945	3, 458	67, 606

Owing to the absence of Captain Skinner, assistant quartermaster, who is at Pine Bluff on duty, the financial report for December is unavoidably delayed for a few days.

J. W. SPRAGUE,

Brigadier General, Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

No. 9.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMM'R NORTHERN DISTRICT OF MISS.,
Jackson, Mississippi, December 26, 1865.

LIEUTENANT: I would respectfully state that information was received at this office, on the evening of the 19th instant, of a horrible outrage having been perpetrated upon some freedmen at Shongalo, Carroll county, in this district, whereupon Chaplain Smith was ordered to the place to investigate the matter and report to this office. A copy of his report is herewith enclosed, which exhibits a spirit of fiendishness on the part of the perpetrators that is almost without parallel, even among savages; and his Satanic Majesty could scarcely ask for more accomplished villains than those who perpetrated the outrage upon the boy at the hotel.

I am, sir, very respectfully, your obedient servant,

R. S. DONALDSON,
Lieut. Col., Acting Ass't Commissioner.

Lieutenant STUART ELDRIDGE,
Act'g Ass't Adj't General, Vicksburg, Miss.

Official:

STUART ELDRIDGE, *Lt., A. A. A. G.*

OFFICE ASS'T COMM'R FREEDMEN'S BUREAU, STATE OF MISS.,
Vicksburg, Mississippi, December 28, 1865.

Respectfully forwarded to Major General O. O. Howard for his information.

SAM'L THOMAS,
Col. and Ass't Comm'r, Freedmen's Bureau, State of Miss.

Memorandum of report of Colonel Thomas for December, 1865.

Having given the organization and manner of conducting the bureau in previous reports, states that there are many complaints made that the freedmen failed to work well last year, and are unreliable as laborers. The freedmen complain of the planters failing to pay, as per contracts, and abusing them as in days of slavery. Time alone will teach the negro his duty and the capitalist his true interest. Encloses General Order 16 and Circular 2 in address to freedmen. The labor question is a constant topic, but it is hard to convince the people that the laboring force has decreased. Has been attempting to remedy this by transporting freedmen from the poorer portions of the State to the Mississippi bottoms. His order for transportation would not cover this, but after consultation with Major General Wood, commanding department, decided to follow this course rather than allow them to suffer. Business in the courts is increasing. Has employed Mr. James W. Davis, a northern lawyer of ability, to protect the freedmen. Has sworn out 17 writs of habeas corpus for the release of freedmen. This writ is now as necessary for the safety of the freedman as the white.

There is a disposition to prosecute government lessees for using property that has been restored, and the feeling against them is very bitter.

The Davis Bend Colony, after covering expenses, has balance in hands of colonists \$159,200; this without any white people or government officials handling the money. The Home Farm, worked by transient settlers, produced, over expenses, \$25,929 80: 5,000 bushels of corn from this farm fed to government stock. Will still retain the Davis plantations and lease them this year at a moderate rent. Gives Chaplain Hawley's report of conduct of Camp Hawley. The DeSoto Colony, broken up by the flood of the river, by garden products has been self-supporting. 68 teachers and 5,271 scholars are enrolled, but in

many places prejudice was so great that schools were not started. Sometimes funds were advanced to teachers on their regular pay, owing to neglect of societies to pay them.

Three hospitals and eight surgeons, and during past year treated 5,716 patients; 283 deaths. Is trying to organize a large hospital at Lauderdale Springs, and being aided in this by the Society of Friends.

Has restored 90 plantations (about 45,000 acres) and 100 houses and lots. Still has 35,000 acres and 42 pieces of city property. Ration decrease of 1,250 persons, and about 23,000 less rations. Support of refugees practically stopped. Appends financial report.

Forwards report of G. Gordon Adams, regarding the alleged shipment of freedmen into Cuba. Thinks the attempt has been made, but that the project cannot be carried out from Mississippi.

Believes the bureau to be working in perfect harmony with State government and department commander; not that the present situation of affairs is the best possible for the black man, yet it is better than was expected.

That affairs are progressing in spite of discouraging legislation, and the bureau *has* accomplished something. Has all assistance he can wish from the military. State officials have been courteous.

OFFICE ACTING ASSISTANT COMMISSIONER FREEDMEN'S
BUREAU FOR NORTHERN DISTRICT OF MISSISSIPPI,
Jackson, Miss., December 25, 1865.

In compliance with an order from Lieutenant Colonel R. S. Donaldson, acting assistant commissioner, dated December 19, 1865, directing me to accompany Captain Reed, 50th United States colored infantry, to Shongalo, for the purpose of inquiring into an alleged outrage committed by the citizens on freedmen at that place, I now respectfully present the following

REPORT.

We left Jackson at 7 o'clock p. m. on the 20th, and arrived at Vaiden about 5 p. m. on the 21st instant. Vaiden is situated on the Mississippi Central railroad, fifty-four miles north of Canton, and about one mile east of Shongalo. On the evening of our arrival at Vaiden we ascertained, in an indirect manner, that an outrage had been committed on freedmen at Shongalo, but differing somewhat in result from the report as published in some newspapers.

On the following morning we made known our business, and began to make direct inquiries concerning the matter. We were told by persons residing at Vaiden that certain buildings inhabited by colored people had been burned; that one colored man had been killed; that the civil officers had taken cognizance of the affair; that a coroner's inquest had been held over the remains of the deceased, whose verdict was that "the deceased came to his death in an unknown manner." After the coroner's jury was dismissed another jury was summoned to hear evidence and decide, according thereto, upon the guilt or innocence of five white men accused of participating in the outrage.

The jury spent part of two days in listening to the testimony of upwards of twenty witnesses, but during the whole time nothing was elicited from any, which, in the judgment of the jury, was sufficient to convict any of the accused. The examination was conducted before Mr. E. B. Gordon, magistrate, residing in Vaiden. Their written proceedings in the case have been forwarded by him to an officer at Carrollton, the county seat of Carroll county.

We visited Shongalo, accompanied by Mr. E. B. Gordon; we saw where the buildings burned had stood; we asked questions of several persons. The result

of our visit and inquiries enable us to say, that upon a certain lot in Shongalo there stood an old dwelling-house, containing four or five rooms; also, upon the same lot, were two other smaller buildings. The property belonged to a Mr. Binford, of Vaiden. Several months ago Mr. Binford rented to a colored family one room in the dwelling-house, and subsequently, at different times, had rented other rooms to other colored families. Also the other two buildings were rented to colored families for dwellings. Some of those who had rented rooms had taken in with them other families, so that at the time of the fire there were nine or ten different families occupying the buildings. The colored people had paid rent from time to time. Mr. Binford had never desired them to quit his premises; had never expressed dissatisfaction with them as tenants. On the evening of November 25 the colored people were having a party; first they had a quilting, then a dancing party; about ten or eleven o'clock, while (according to their statement) the people were enjoying themselves very pleasantly, a company of white men, supposed to number about twenty, came up suddenly, set fire to all the buildings, then, surrounding them, began, and for some time continued, to discharge fire-arms, also refusing to let the people come out at the doors. Great consternation prevailed. A few persons escaped through the doors, the rest through the windows, taking with them such things as they were able to carry. The white men drove the colored people away, and went round picking up bundles and other articles of property, throwing them all into the fire. They caught the poultry and threw them all into the fire. Then went to a hog-pen and shot one of several fat hogs in the pen. It was said that one man, a stranger in the place, on his way to Holly Springs on business for his employer, and who had stopped in the neighborhood for the night, hearing of the party, had gone to it, and when about to make his escape, spoke to a woman near to him, saying, "Come on, follow me; there is no danger out here," when some one replied to him, saying, "D—n you; I'll show you whether there's danger or not;" then several shots were fired at him; he fell, and his body was lifted up and thrown into the fire; was burned so, that when the inquest was held the jury was unable to distinguish either the race or sex, and called in a surgeon to decide those points.

The poor people were thus, at this unseasonable hour, scattered adrift without shelter, without clothing or other property, except what was on their persons.

Part of the above may not appear in the testimony given before the magistrate.

The colored people say that they were afraid to tell all that they knew about the matter; they were afraid they might be killed if they did.

About half a mile north of that place there stood an old abandoned meeting house, in which some colored families were living, and on the night of the 27th of November that building was burned. Other houses inhabited by colored people at other points have also been burned.

From all the information that we were able to collect, I am of the opinion that the outrage was premeditated, and generally acquiesced in. Some of my reasons for so thinking are as follows:

1. Threats of burning out the colored people had been made at different times by the white people. The reason they assigned was that they would break up the free niggers.

2. At a party of white people, held in Vaiden on or about the 22d of November, the subject of burning out these people was spoken of in the presence of their colored servants, who immediately communicated the information, upon the hearing of which, two or three persons left the place.

3. Rumors had also been heard that a company of white men were going to purchase the buildings, and then burn them.

4. One of the neighbors says that, one week before the fire occurred, several shots were fired over in that direction; the hearing of which alarmed him so much that he took his gun and went out to see what was the matter. On the

night of the fire he heard the shooting, went to the door and saw the building in flames, but still remained so composed that he went into his house and went to bed, but did not go near the scene of conflagration until the next morning. On the next morning he went over and found the charred remains of the man who had been shot and burned.

It may not be improper for me here to speak of an act of barbarity which has since been perpetrated in Vaiden. On or about the 15th day of December, 1865, a party was being held at the hotel. A certain Captain Mattox was present, who had brought with him a favorite servant boy, one whom he had formerly owned. In the course of the evening, while the boy was in the discharge of his duty, he was seized in the hall by two white men, who attempted to cut his throat. The boy was severely and dangerously wounded; but, receiving prompt surgical aid and subsequent careful attention, he is, at the present time, in a state of recovery.

In travelling through this country, we cannot fail to observe the existence of a very unhappy, hostile, and bitter feeling towards both the general government and the freed people.

Very respectfully, your obedient servant,

THOMAS SMITH,

Chaplain and Sub-Comm'r Freedmen's Bureau.

Official:

STUART ELDRIDGE,

Lieut. and Acting Assistant Adjutant General.

Captain BAMBERGER,

Acting Assistant Adjutant General Freedmen's Bureau.

Memorandum of report of Chaplain Smith concerning outrages committed on freedmen at Shongalo, Carroll county, Mississippi.

Left Jackson on the 20th, and arrived at Vaiden 21st. Next morning began to make inquiries, and were told that certain buildings inhabited by colored people had been burned; that one colored man had been killed, a coroner's inquest had been held over the deceased, and their verdict was that "the deceased came to his death in an unknown manner." After the coroner's jury was dismissed, another jury was called to hear evidence and decide upon the guilt or innocence of five white men accused of participating in the outrage. This jury examined twenty witnesses, but nothing was elicited which, in their judgment, was sufficient to convict any of the accused. Examination was conducted before Mr. E. B. Gordon, magistrate, residing at Vaiden. The written proceedings in the case have been forwarded by him to an officer at Carrollton, county seat of Carroll county. Visited Shongalo, accompanied by Mr. Gordon; saw where the buildings burned had stood, asked questions of several persons, and learned as follows:

That upon a certain lot in Shongalo there stood an old dwelling-house, containing four or five rooms; also two smaller buildings, the property belonging to a Mr. Binford, who had at different times rented the whole to colored families for dwellings; and at the time of the fire there were nine or ten different families occupying the buildings, and paying rent from time to time. Mr. Binford had never desired them to quit his premises, or expressed dissatisfaction with them as tenants. On the evening of November 25th the colored people were having a party, and about 11 o'clock, while they were enjoying themselves very pleasantly, a company of about twenty white men came up suddenly, set fire to all the buildings, and surrounding them, began to discharge fire-arms; also refusing to let the people come out at the doors; a few escaped through the doors, the rest through the windows, taking such things as they were able to carry. The whites drove the colored people away, and went round picking up

bundles and other articles of property, throwing them all into the fire; they caught the poultry, and threw them into the fire; they also shot a hog in the pen. One man, a stranger in the place, stopping in the neighborhood that night, hearing of the party, had gone to it, and when about to make his escape, spoke to a woman near him, saying, "Come on—follow me; there is no danger out here;" when some one replied to him, saying, "D—n you, I'll show you whether there's danger or not;" then several shots were fired at him; he fell, and his body was lifted up and thrown into the fire, and was burned so that, when the inquest was held, the jury was unable to distinguish either the race or sex, and called in a surgeon to decide. The colored people say they were afraid to tell all they knew about the matter before the magistrate for fear of being killed.

An old abandoned meeting-house, a half mile north of this place, in which colored families were living, was burned on the night of November 27; other houses occupied by colored people have also been burned. Thinks these outrages were premeditated, and generally acquiesced in.

No. 10.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Mississippi, January 10, 1866.

GENERAL: In accordance with orders and the act of Congress organizing the bureau, I have the honor to submit the following report for the quarter ending December 31, 1865:

The organization of the bureau, the distribution of officers, plan of conducting business, &c., have been fully described in previous reports. I have aimed to keep you fully informed about the transfer of our judicial powers, and the effect on both classes of people. The difficulties we have encountered, and the feelings of the southern people and the freedmen on all the questions that relate to their welfare, have been reported to you.

Many complaints reach me that the negroes failed to work well last year, and were unreliable as laborers. The freedmen complain that the whites fail to pay according to contracts, and abuse them as in days of slavery. There are many reasons for this state of affairs, which I have tried to show in my former reports, and will not repeat here. Time alone will teach the negro his duty and the capitalist his true interest.

No regulations have been adopted with reference to labor, yet I have thought proper to issue the following orders with reference to contracts, putting in force the State law on this subject:

[General Orders No. 16.]

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Mississippi, December 31, 1865.

The time has arrived when it is important that the freedmen of this State should make contracts for labor during the coming year, in order that a crop may be secured.

Some regulations must govern all classes, in order to secure to the freedmen the payment of wages and to planters the labor for which they agree to pay.

It is important that the freedmen should feel their obligations to society and civil government, as the time will come when their interests must be committed to the State, with no other agency to care for them. There can be no better time for the freedmen to familiarize themselves with business life and common forms of law, under civil government, than at a time when officers of the general government are here whose duty it is to see that their rights are respected.

In fact, we will fail in the discharge of our whole duty to them if we do not take every means within our power to instil into their minds respect for the civil law and the sacredness of all contracts and obligations. There can be no better time for the citizens of the State who have not thoroughly recognized the present status of the freedmen to accustom themselves, as officers of the State government, to lay aside their prejudices, grant the freedmen the rights to which they as free men are entitled, and protect them by just administration of law. The sooner they are protected by the power that must eventually be charged with the security for their persons and property the better for both classes.

It is therefore ordered that no rules or regulations will be issued by officers of this bureau with reference to the freedmen contracting. As the following clause of the State law is substantially what has heretofore been the regulation of this department of the general government, the attention of officers, planters, and freedmen is invited to its requirements :

"SECTION 6. *Be it further enacted*, That all contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one, and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer, before expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting."

It will be seen that magistrates register contracts, and that the parties who contract are left to regulate the conditions, wages, &c.

It will be the duty of officers of this bureau to see that the freedmen are properly contracted with ; while they have no power to interfere with the action of the magistrate, or the administration of the State law, they will on all occasions act as the next friend of the freedmen, give them proper advice in all matters pertaining to contracts ; and on complaint being made that the colored people are not being allowed to exercise all their privileges as freedmen, or that their ignorance is being taken advantage of in any way so as to inveigle them into oppressive contracts, a full statement of the matter will be forwarded to this office that the proper action may be taken for their protection.

Officers of the bureau must not relax their vigilance in watching the exercise of authority by the State officials, and should be prompt in reporting all cases that need the interference of higher authority.

It is to be hoped that the civil officers to whom this is committed will be actuated by a spirit of justice and equity, and that they will take into account on all occasions the extreme ignorance of the freedmen in all business or legal matters, and explain in a spirit of kindness all the obligations that may come before them for approval.

By order of Colonel Samuel Thomas, assistant commissioner for State of Mississippi :

STUART ELDRIDGE,

Lieutenant and Acting Assistant Adjutant General.

HEADQUARTERS DEPARTMENT OF MISSISSIPPI,

Vicksburg, Mississippi, January 6, 1866.

Approved :

TH. J. WOOD,

Major General Vols., Commanding.

Official :

STUART ELDRIDGE,

Lieutenant and Acting Assistant Adjutant General.

[Circular No. 2.]

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Mississippi, January 2, 1866.

To the colored people of Mississippi :

Having been charged with the affairs of the Freedmen's Bureau in Mississippi, I am your lawful protector and adviser, and to some extent am held responsible for your conduct. If you suffer, or become idle or vicious, blame is attached to me or my officers, even when the fault is not ours.

With the end of 1865 your contracts expired. My officers approved the contracts, and did all they could to compel both you and your employers to live up to them. In many places these contracts did not secure you more than food and clothes, because you contracted so late that it was impossible to raise a crop.

Many complaints are made that you did not regard a contract as sacred ; that you failed to work as you had agreed, acted as you pleased, and visited at a distance, deserting the crop when you knew that your employer would lose all by your failure to keep your contract. On the other hand, it is said by you that the planters have failed to pay and treat you as agreed upon.

This is all wrong. Your contracts were explained to you, and their sacredness impressed upon you, again and again. You know that when you make a contract you are bound to give all the labor for which your employer agrees to pay. Efforts have been made by my officers to compel you to perform labor according to agreements, that employers might have no excuse for failing to do their part.

The time has arrived for you to contract for another year's labor. I wish to impress upon you the importance of doing this at once. You know that if a crop of cotton is raised, the work must be begun soon and the hands employed for the year. If you do not contract with the men who wish to employ you, what do you propose to do ? You cannot live without work of some kind. Your houses and lands belong to the white people, and you cannot expect that they will allow you to live on them in idleness. It would be wrong for them to do so, and no officer of the government will protect you in it. If you stay on the plantations where you are, you must agree to work for the owners of them. If not, move out of the way, and give place to more faithful laborers.

I hope you are all convinced that you are not to receive property of any kind from the government, and that you must labor for what you get, like other people. I often hear that you are crowding into towns, refuse to hire out, and are waiting to see what the government will do for you. As the representative of the government I tell you that is very foolish, and your refusal to work is used by your enemies to your injury. I know you can get good wages with considerate employers, who will treat you well and pay for all you do. Everything possible shall be done to secure you good treatment. Make contracts for the year and go to work, and you will secure homes. The government hopes you will do your duty, and in return will secure you all the rights of freemen. The season in which planters will think it worth while to employ you will soon be passed, and if then you are found idle you may be taken up and set to work where you will not like it. The State cannot and ought not to let any man lie about idle, without property, doing mischief. A vagrant law is right in principle. I cannot ask the civil officers to leave you idle, to beg or steal. If they find any of you without business and means of living, they will do right if they treat you as bad persons and take away your misused liberty.

Some of you have the absurd notion that if you put your hands to a contract you will somehow be made slaves. This is all nonsense, made up by some

foolish or wicked person. There is no danger of this kind to fear; nor will you be branded when you get on a plantation. Any white man treating you so would be punished. Your danger lies exactly in the other direction. If you do not have some occupation you will be treated as vagrants, and made to labor on public works.

Do not believe all the bad stories you hear. Malicious persons take pleasure in making you afraid. Do not listen to them. All their croaking certainly does you no good. Do they tell you how to get food and clothes without work?

You must be obedient to the law. I do not think the people of Mississippi have made all laws that relate to you as they ought to have done. But even if there be some things denied to you as yet, which you wish to gain, you cannot get them by disobedience and idleness. You cannot make people treat you well by showing that you do not deserve it. If you wish for rights, do right yourselves. If you desire privileges, show that they may be safely intrusted to you. - Such a course, with patience, will make you happy and prosperous.

I hope that a sense of justice, benevolence, and enlightened self-interest will lead the white people to set you a good example of faithfulness and honor in observing contracts.

SAMUEL THOMAS,
Assistant Commissioner State of Mississippi.

HEADQUARTERS DEPARTMENT OF MISSISSIPPI,
Vicksburg, Mississippi, January 2, 1866.

I cordially approve this excellent circular.

TH. J. WOOD,
Major General of Volunteers, Commanding.

Official : STUART ELDRIDGE,
Lieutenant and Acting Assistant Adjutant General.

The labor question is one of the greatest importance to the people of our State at this time. All are depending on this year's crop to recuperate their fortunes, and upon the negro to do the work. It is discussed constantly on the street-corners and in the papers. It is hard to make the people understand that the laboring force of the country has decreased, and that there are not near as many hands to labor as there used to be. This scarcity insures the freedmen a good price for all they do, and makes them quite independent.

I have been trying to meet this demand for labor in the Mississippi bottoms by transporting laborers from the interior and poorer parts of the State. Many thousands will change their homes in this manner. My order for granting transportation does not meet this case; but, after consulting with Major General Wood, commanding the department, and gaining his approbation, I have transported large numbers to the rich lands, where they will be well treated, fed, and paid by kind employers. It is a fact that if they are not provided for in this way, they will be in danger of suffering in the future. It has been my design to secure for the freedmen during the coming year steady employment, and to promote harmony of feeling between whites and blacks by every means in my power.

Our business in the courts of the State is constantly increasing. In order to protect the freedmen at this place I employed James W. Davis, a lawyer of ability from the north, thoroughly imbued with correct ideas on the subject of freedmen and their rights, who was admitted to the courts, and defended all freedmen who were from any cause unable to obtain counsel.

His report shows nineteen (19) cases defended by him, twelve (12) of whom were convicted, and seven (7) acquitted. Of the courts and juries, he says :

"I cannot say that the juries would knowingly convict an innocent black man, as my observation leads me to a different conclusion. I *can* say that the color of his skin materially affects his evidence as a witness, and any slight discrepancies in his testimony would materially invalidate it. I am satisfied of the judicial integrity of the judges."

Experience in admitting negroes before the courts will lessen all prejudices. With the advice of this solicitor, I have, at various times, sworn out seventeen (17) writs of *habeas corpus* for the release of freedmen improperly imprisoned. They were all discharged after an examination before the proper judicial authority. This writ is now as necessary to the safety of the freedmen as to that of the white men.

There is a disposition to prosecute government lessees for using property that has been restored. Suits for damages are being instituted in all the courts, and the feeling against them very bitter.

I wish to present a complete statement of the workings of the Davis's Bend colony for the year.

The land was divided and leased, houses built, and a system of government organized as reported to you in previous communications. The people worked well, and have shown by their industry, perseverance, and management, that they are capable of doing business for themselves, and will do best where the greatest encouragement is held out of future reward.

There were on the Bend one hundred and eighty-one companies or partnerships who received land. These comprised thirteen hundred adults and four hundred and fifty children. About five thousand acres of land were divided among them. These people were left free to manage their own affairs; not even officers of the bureau were allowed to meddle with the pecuniary or domestic affairs. They have produced—

12,000 bushels of corn, worth at least.....	\$12, 000
Vegetables, potatoes, melons, &c., sold.....	38, 500
1,736 bales of cotton.....	347, 200

Total amount of receipts.....	397, 700
Paid for expenses.....	\$160, 000
Paid to white partners for stock, supplies, &c.....	60, 000
Paid receiving and disbursing officer Freedmen's Bureau, for rations drawn	18, 500

Total disbursements.....	238, 500
--------------------------	----------

Balance in hands of colonists.....	159, 200
------------------------------------	----------

The people have raised their own crops, made their own sales, and put the money in their pockets; none of it passed through the hands of white people or officers of the government of any department. The only opportunity there has been for any cheating has been in the settlement made with white parties who furnished supplies. We have guarded this in every way possible, and demanded that settlements should be made before our bureau officers.

The home-farm of five hundred acres was cultivated by transient people thrown upon our hands, and by those who were, from any cause, unable to procure land.

Receipts from home-farm, for 234 bales of cotton.....	\$48, 859 80
Paid to freed people for work by superintendents during the year.....	\$6, 850
Paid to superintendents on all the plantations on the Bend, year's work.....	5, 995

Paid for ginning, baling, and picking.....	\$4, 675
Paid for freight, commissions, repacking, &c.....	5, 410
Total expenses.....	\$22, 930 00
Amount turned over to receiving and disbursing officer.....	25, 929 80
If to this amount we add amount received by said officer for rations issued colored planters.....	18, 500 00
It will show the total amount received by the bureau from the home-farm and the colonists.....	44, 429 80

Five thousand bushels of corn were raised on the home-farm and fed to government stock, which was in use for the benefit of the people.

The experiment has been a grand success, and proves what the people can do. I regret that they cannot have the opportunity of cultivating the same lands this season. Four of the plantations have been returned to the owners; the organization of the colony is broken up, and the people advised to seek employment and business elsewhere. I still retain the Davis plantations and will lease them this year, but will charge the people a moderate rent, and not allow them to have the land free, as was done during 1865.

The following is a copy of Chaplain James A. Hawley's report of the manner in which the work in his colony has been conducted, with its results :

VICKSBURG, MISS., *December 8, 1865.*

COLONEL: I respectfully submit the following report of the operations of the past year in the colony under my supervision :

In September, 1864, many people were just outside our lines and in a suffering condition, at which time I, under your orders, made an inspection with reference to the relief of their pressing necessities. As a result, they were, to some extent, supplied with rations and clothing and encouraged to shelter themselves. With this assistance, they got through the winter.

With the hope of rendering this body of destitutes (some three or four hundred) self-sustaining, an effort was made to secure land from the treasury land office, unsuccessfully. A military order, however, was issued, granting such land as was needed for their use. The people were organized into squads or companies, and land given them according to their working power. Some discouragements met them. Parties hostile to the enterprise were ready to predict no benefit to them. They lacked capital, and it was thought best to allow them to associate themselves with white capitalists. C. Stoddard & Co., of Memphis, agreed to furnish the means, sharing the profits of the crop. They have thus been supplied with the necessaries for life and labor.

Prior to this, small garden patches had been assigned to them and seeds distributed, the produce of which enabled them materially to live in comfort. Plantation work proper was not begun till March 20, owing to various delays. This prevented the cultivation of much land that might have been cleared, and exposed the late-maturing crop to the ravages of the caterpillar. The overflow of the river also did some damage. Nevertheless some 700 acres of cotton were planted, and the prospect at one time was of a fair crop. Through outside and vicious influences the crop was neglected at a critical time, and when the people saw their mistake it was too late to repair it.

The amount of ginned cotton raised was 93,125 pounds, or 233 bales, which was sold by sample, realizing an average price of 38½ cents per pound. Gross amount receipts, \$35,875 58. Amount expenses—stock, tools, and rations, \$29,902 60. Of this, (deducting stock returned to Stoddard & Co.,) \$19,940 25

was for rations and stock lost, and \$2,922 for extra rations, clothing, tobacco, &c.; \$3,038 was for ginning, baling, &c., and \$3,042 67 was paid the people as their share of the net proceeds, the contract having been that the negroes were to retain the stock and implements, delivering the crop in packages for market, and receiving a moiety of the net profits. Largest crop raised by any squad, 41 bales; second, 38; least, 3. Largest sum received by any one man, \$225 74. Had all squads worked as faithfully as did one, the amount of profits to divide would have been six times as great as it was. There was no squad but had too many hands for the work or land cultivated. Six of the thirteen squads came out in debt to Stoddard & Co., this mostly due to indulgence in extras.

The results of the enterprise may be summed up as follows: It has saved \$75 per day in rations to the government; it has given the people a lesson in independent labor, and, being undertaken at a time when labor was a drug in the market, thus giving employment to those who would otherwise have been idle, and comfortably maintaining them till now.

Many made some little money from their gardens and outside labor. Most appear well clothed, and some have a little money to begin the new year with.

Believing the experiment on the whole a success, and thanking you for courtesies and support, I am, colonel, very respectfully,

J. A. HAWLEY,

*Chaplain, Sub-commissioner Bureau of Refugees,
Freedmen, and Abandoned Lands.*

Col. SAMUEL THOMAS,

Assistant Commissioner Bureau of R., F. and A. L.

Official :

STUART ELDRIDGE, *Lt. A. A. A. G.*

The organization of the De Soto colony in Louisiana was broken up by the flood in the Mississippi river last spring. It was impossible for the people to recover from the effects of it, yet they made fine gardens and did not ask for assistance from the government. This, under the circumstances, was all that I expected.

This closes my report of the working colonies under my charge during the last year.

With this report I forward that of my able and efficient superintendent of education, Chaplain Joseph Warren, D. D.

Sixty-eight (68) teachers are on duty, and five thousand two hundred and seventy-one (5,271) scholars enrolled. The prejudice against negro schools in some parts of the State is so strong that we have been deterred from making the experiment in such localities. There is generally less manifested opposition to them now than there was some time ago. Our schools are in a flourishing condition and increasing, although we have some difficulties not found in other States. We have been compelled to pay high rents for quarters and rooms for school purposes, and in some cases have advanced money to teachers on their regular pay, owing to the neglect of their societies to furnish them needful funds.

A complete report of medical matters, from Brevet Lieutenant Colonel Thomas B. Hood, surgeon-in-chief, has been forwarded. There are three hospitals and eight surgeons on duty. There have been treated during the past year, under this supervision, 5,716 patients, of whom 283 died. All expenses of this department have been paid by the bureau. Owing to the want of buildings and the operation of orders restoring property, I have been compelled to reduce my hospital accommodations continually and to discharge some surgeons. We are now making exertions to establish a large institution at Lauderdale Springs,

where buildings can be procured and the locality is healthy. If we succeed in getting possession of the property, we will try to employ more physicians, and in various ways make the sick, infirm, and aged more comfortable. We are being aided by the society of Friends in this enterprise.

Our hospitals are in good condition, and the officers in charge are efficient men as a general thing. For a complete report of what this department of the bureau has done, the difficulties encountered, &c., I would refer you to Surgeon Hood's report.

Our property report is still large, although I have restored 90 plantations, containing about 45,000 acres, and 100 houses and lots. I still have on my papers about 35,000 acres of land and 42 pieces of city property. Many of the plantations on my papers are reoccupied by their owners, who have failed to make applications for restorations, which they think unnecessary as long as they are allowed to return and reoccupy.

The following is a hurried resumé of the ration reports for November and December. If there is any suffering among whites or blacks in this State I do not hear of it. Only about six hundred persons (including government employés) were fed by the bureau during December :

Number of freedmen fed in November.....	1,787
Number of freedmen fed in December.....	570
Decrease	1,217
Number of refugees fed in November, about	70
Number of refugees fed in December, about	20
Decrease, about	50
Total number of persons fed in November.....	1,857
Total number of persons fed in December.....	590
Decrease	1,267
Number of rations issued to refugees in November.....	2,467
Number of rations issued to refugees in December	651
Decrease	1,816
Number of rations issued to freedmen in November	33,693
Number of rations issued to freedmen in December	12,532
Decrease	21,161
Total number of rations issued in November.....	36,160
Total number of rations issued in December	13,183
Decrease	22,977

Showing a decrease of more than 1,250 persons fed and about 23,000 less rations issued. Most of the dependants are sick people and orphan children. The support of refugees is practically stopped.

I append hereto a financial statement for the seven months ending December 31, 1865, showing gross amount of receipts and disbursements for each month and the amount on hand December 31, 1865.

FINANCIAL AFFAIRS.

Statement showing amount of money received and disbursed in the Bureau of Refugees, Freedmen, and Abandoned Lands for the State of Mississippi, at Vicksburg, from June 1 to December 31, 1865.

DISBURSED :

1865.

June.	Expenditures for month of June	\$2, 576 71
	Balance to July	4, 243 86
July.	Expended in July	\$4, 245 69
	Balance to August	4, 216 17
		8, 461 86
August.	Expended in August	\$4, 599 08
	Balance to September	5, 480 46
		10, 079 54
Sept'r.	Expended in September	\$5, 179 42
	Balance to October	8, 572 74
		13, 752 16
October.	Expended in October	\$4, 284 52
	Balance to November	10, 547 47
		6, 223 25
Nov'r.	Expended in November	\$3, 328 25
	Balance to December	7, 423 22
		10, 751 47
Dec'r.	Expended in December	\$5, 055 64½
	Vouchers due and remaining unpaid	2, 115 49
	Balance due Freedmen's Bureau	53, 496 92½
		60, 668 06

RECEIVED :

1865.

June.	Amount on hand last statement	\$966 22
	Amount received during month	5, 854 35
July.	Amount from June 30	\$4, 243 86
	Amount received during month	4, 218 00
	Error in bringing forward balance	8, 461 86

August.	Amount from July	\$4,216 17
	Amount received during month.....	5,863 37
		<u>10,079 54</u>
Sept'r.	Amount from August	\$5,480 46
	Amount received during month.....	8,271 70
		<u>13,752 16</u>
October.	Amount from September	\$8,572 74
	Amount received during month	6,223 25
		<u>14,796 99</u>
Nov'r.	Amount from October.....	\$10,547 47
	Amount received during month.....	204 00
		<u>10,751 47</u>
Dec'r.	Amount from November.....	\$7,423 22
	Amount received during month.....	53,244 84
		<u>60,668 06</u>

RECAPITULATION.

Amount on hand June 30, 1865.....	\$966 22
Amount received from all sources.....	83,879 51
	<u>84,845 73</u>
Total receipts	84,845 73
Total expenditures.....	31,348 80½
	<u>53,496 92½</u>
Remaining in hands of receiving and disbursing officer	53,496 92½

I forward the report of Mr. G. Gordon Adam, a detective sent by me to the southern coast of this State to investigate the alleged shipment of freedmen into foreign slavery. He says that he has no doubt that the attempt has been made, and that at this time there are many persons discussing the feasibility of such a project, and anxious to carry it out if practicable. He thinks the report will not be made from this State, but from Alabama. I have made great exertions to ferret out this matter, and believe the project cannot be carried out from this State.

I have tried to close up the year by giving you a correct idea of the results of our labor. I believe the bureau is now working in perfect harmony with the State government and the department commander. I do not think the situation of affairs the best possible for the interests of the black man; yet, on the whole, it is surprising he is so well treated, and has his freedom so generally recognized by the people.

The freedmen are well informed as to what their duties are, and will in a short time become contented and useful laborers.

The favorable change in the feelings of the white people towards the freedmen can be recognized, in many parts of the State, by the willingness of the negroes to go there and labor.

I believe the reported cases of outrage and abuse are decreasing and that the condition of both classes is improving, notwithstanding all discouraging

legislation. I am satisfied the colored people are orderly, and not disposed to commit crimes in any excessive degree.

That the bureau has accomplished something in this State towards solving the great problem committed to its officers last May, cannot be denied. My officers and assistants have performed their whole duty.

Military commanders give me all the assistance I could wish, and I am glad to say our relations have been friendly and cordial. State officials have treated me with courtesy, and have in many cases aided me in the discharge of delicate duties.

I am, general, very respectfully,

SAMUEL THOMAS,

Colonel and Assistant Commissioner.

Major General O. O. HOWARD,

Com'r Bureau of Refugees, &c., Washington, D. C.

No. 11.

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER FOR STATE OF MISSISSIPPI,
Vicksburg, Miss., February 6, 1866.

GENERAL: In compliance with your request, I have the honor to forward the following statement with reference to the public lands in this State.

There was sold during the war, under an act of the confederate congress, lands amounting to \$54,109 39—the number of acres not stated. 3,595,229 acres of land were returned as belonging to the United States by the auditor of public accounts in his last statement, November 2, 1863, divided among the counties as follows:

	Acres.
Amite county	60, 070
Carroll county	35, 213
Choctaw county	72, 578
Claiborne county	1, 458
Clarke county	251, 740
Coahoma county	20, 280
Copiah county	12, 540
Covington county	223, 333
Franklin county	81, 894
Harrison county	63, 987
Holmes county	8, 264
Issaquena county	21, 744
Jackson county	273, 170
Jasper county	65, 703
Jones county	304, 148
Kemper county	100, 300
Lauderdale county	233, 321
Lawrence county	162, 810
Madison county	2, 080
Marion county	755, 086
Monroe county	7, 196
Neshoba county	50, 751
Newton county	85, 050
Oktibbeha county	4, 000
Panola county	39
Perry county	238, 817
Pike county	121, 490
Scott county	61, 128
Simpson county	130, 700

	Acres.
Tallahatchie county	19, 595
Tunica county	160
Warren county	37, 553
Washington county	5, 479
Winston county	43, 616
Yallabusha county	36, 066
Yazoo county	3, 870
Total.....	3, 595, 229

Very respectfully, your obedient servant,

SAMUEL THOMAS,

Colonel and Ass't Commissioner, State of Mississippi.

Major General O. O. HOWARD,

Commissioner Freedmen's Bureau.

No. 12.

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS.

OFFICE ASSISTANT COMMISSIONER FOR STATE OF MISSISSIPPI,

Vicksburg, Miss., January 31, 1866.

GENERAL: In accordance with a plan approved by Major General Wood, commanding this department, I have the honor to report that I made a tour through a portion of Mississippi for the purpose of finding out what the freedmen were doing, how they were being treated by the white people, and the general effect of the return to civil laws. I visited Jackson, Meridian, Lauderdale, Macon, Columbus, Aberdeen, Okalona, Corinth, Holly Springs, Grenada, and Canton. I made it my object to stay at each place long enough to see the mayors, magistrates, and other civil officers, the most influential citizens, and the better class of freedmen. It would take too much time to give a description of all I saw, or to write all that was said. As you are more interested in the conclusions I arrived at, I will proceed at once to give you my thoughts respecting the condition of things in the country through which I travelled.

The freedmen have all gone to work; they have mostly contracted with their old masters, and manifest a disposition to live up to their agreements. Not a planter would say that he had any doubt of the fulfilment of their obligations. Everywhere the negroes were praised for their readiness to work, and their general good conduct; no crimes, greater than what are called petit larcenies in the north, are complained of.

The freedmen who have been so long congregated about the cities in small huts, living on what they could derive from irregular labor, have gone to the plantations; no complaints are made respecting their willingness to do; and the number still remaining around the towns is not excessive. The vagrant law has not been enforced in any of the towns I visited, as the authorities informed me it was not necessary; the freedmen were disposed to do all they could ask. The foolish stories that seemed to distract the State so long, are no longer heard, and a spirit of earnestness and a determination to work have seized the negroes, which augurs well for the future.

In many of the towns I visited there was a call for laborers to do city work, as so many of the freedmen had gone away. The demand for labor cannot be satisfied at present, and people are beginning to realize that there are not near enough negroes to perform the work that is required in the State.

For some time the citizens were disposed to blame the colored people, and to

say they would not work. Now they admit that the freedmen are all employed, and working well, yet the demand is not half satisfied.

It is generally remarked that the feelings of the people toward the freedmen are improving. They are now disposed to grant them justice, and cases of abuse are becoming less frequent. Three months ago hardly a citizen of the State was in favor of colored schools; now, many talk of them favorably, and in no case would the better class of people oppose their introduction. At Aberdeen, the city authorities passed a resolution to aid the benevolent societies of the north in the establishment of schools.

For some time after the surrender, the people of the State assumed that the negro was worthless, and would not make any attempt to employ him. It is different now; they are beginning to see that it is to their interest to protect and foster the labor of the south. I can see no reason why there should not be a large crop raised in the State during the coming season. It is surprising, but certainly gratifying that freedmen are in this condition.

The condition of the white people is not so encouraging. I cannot explain the seeming contradiction, yet the feeling against all "Yankees," and the general government, is stronger than ever before. It was impossible for me to expose my uniform to view anywhere, on the cars or on the street, without hearing such remarks as "that's a damned Yankee;" "what does he want here?" "he had better not stay long," &c., &c. They are not disposed to treat any persons representing the government, who is unsupported by a military force, with any respect or even common decency. Of course, it is the lowest class of the community who talk in this way, and swagger around in such a style; yet it is a bad state of society in which such an element is so much on the surface as to seem to rule the whole. White men are murdered by this class, and no notice taken of it; robbing and plundering are of nightly occurrence in most of the towns in the State; yet the citizens and the authorities seem powerless to arrest it. There is a lack of efficiency in the State government everywhere; it is not vigorous, and does not secure the lives and property of the citizens.

Too many scoundrels and desperadoes are in office, who refuse to take a bold and upright stand against crime of all kinds; order and peace cannot be restored during the continuance of such a state of things; the citizens are the sufferers by it; but it is not a military matter, and if the people wish to live in such a lawless manner, they ought to be gratified.

I append a few slips from newspapers met on my tour, indicating some of the above points, for the information of the commissioners. Similar statements have been made in papers published at Holly Springs, Corinth, Grenada, and Jackson:

"Encouraging.—As an indication of the change in the feeling of the people of Mississippi, the following is good: The mayor and council of Aberdeen, Miss., have passed a resolution, saying that they will aid the benevolent associations of the north in their efforts to establish schools for the education of destitute white and black children. The *Sunny South* of the 20th indorses the resolution, and calls upon all good citizens to assist the mayor and council in their efforts."

"Freedmen doing well.—Lieutenant Garret, of the Freedmen's Bureau, has lately returned from a trip in the country, and reports the free labor system working well. Employés and employees are getting along harmoniously and pleasantly."

"'Freedmen' labor, &c.—Accounts in the Louisiana country paper represent that the freedmen are indisposed to make any contracts for labor. They refuse to make any agreements whatever with the planters, unless they can be employed near the large towns. They are expecting something extraordinary to turn up. In the parish of St. James, since the 1st instant, on several large plantations, they have stopped work entirely from this cause. The same complaint

is made in other parishes. A number of the principal planters of the Attakapas emigrated a few days since hence to Belize, Honduras.' "

"So we learn from the New Orleans papers. We regret that our neighbors have found difficulty in hiring labor. With us everything has gone off well enough. It is true that many of our friends have not been able to procure as many hands as they wished, but in the main the blacks hereabouts have displayed a commendable degree of interest in procuring employment. There are few idlers to be seen on the streets, and everything has settled down into quiet. This result is in a great measure attributable to the course pursued by the officers of this post. Heretofore we have had men to come among us, to promise fair, and at the outset to keep their promises, who after a while seemed to lose all interest in the conduct of their troops. The officers now stationed here seem to be untiring in their efforts to keep order, and the troops are certainly the best behaved and gentlemanly that have ever been in Columbus. Instead of proving hurtful to the labor interest of the country, they promptly obey all orders calculated to advance it."

"*Matters in Mississippi.—Condition of the freedmen—A hopeful state of affairs.*—Below we give an extract from the *Aberdeen Sunny South*, of the 18th instant, concerning the industrial condition of Monroe county, and giving a more hopeful view of affairs than the public have been led to apprehend. We understand, from reliable authority, that there is not, or need not be, a single freedman out of employment for a day, and that, too, at fair wages. Fifty thousand more laborers could be profitably employed in the State were they obtainable.

'How are you getting along with your freedmen?' is the invariable question that we put to each farmer that enters our office, and with singular unanimity they have for the last twelve or fifteen days given hopeful and cheerful responses. The negroes of old Monroe have gone to work almost *en masse*, and there will probably be no necessity for the enforcement of the vagrant law in this section of country.

The best of feeling seems to exist between the laborer and employer. The freedmen of Monroe, confident that the southerners who were raised with them, and thoroughly understand and appreciate their natures, are their best friends, are endeavoring, by faithful fulfillment of contracts, to merit and retain their good opinion and support; and the planters are determined to deal with them honestly and justly.

A careful perusal of our many exchanges leads us to think that a better state of affairs exists here than anywhere else in the south, and we attribute it to the absence of troops. We have had no garrison for months, and the result is that things are working harmoniously and smoothly. The painful fact, however, becomes daily more apparent that the supply of laborers is not nearly equal to the demand. Surely there are not more acres under cultivation now than before the war, yet there seems to be a demand equal to at least thirty per cent. of the old working force. How is this to be accounted for? Have the freedmen emigrated? No. The loss by emigration can be accurately estimated, and will not amount to a tithe of the deficit, whereas, many hands, new to the country, are at work upon our farms. It is a sad thing to say, yet we fear the only truthful solution of the problem is to be found in the cemeteries.

Freedom came upon them rather like a tempest than a sunshower—rather like a curse than a blessing. The shackles fell off at the margin of the grave. Had their emancipation been gradual it would have been better for the industrial interests of the country—immeasurably better for the recipients of freedom. The work that was butchered in a moment could have been well done in a year. Hundreds of thousands of God's creatures would have been saved for lives of usefulness. However, there is no more thankless journey than a voyage of retrospection. The laborers that we have are doing well. Their number is insufficient. The void can be easily filled with whites who only await the summons of the planter to put their strong hands to the plough and restore the south to its former agricultural prosperity."

I believe that the above is a fair description of the state of society and feeling in the State, and have the honor to subscribe myself,

Very respectfully,

SAMUEL THOMAS,

Colonel, and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau R. F. and A. L., Washington, D. C.

No. 13.

OFFICE OF ASSISTANT COMMISSIONER, BUREAU
REFUGEES, FREEDMEN AND ABANDONED LANDS,
Tallahassee, December 31, 1865.

GENERAL: I have the honor to make the following report of the affairs of this bureau, in this State, for the month of December, 1865.

The general condition of the affairs of the bureau is favorable, and the official relations between the military commanders and the provisional governor of the State, and myself, have been pleasant.

The gathering in of the crops for the year has been pretty much accomplished, and the division of the crops between planters and laborers, or the payment of the laborers in money, is progressing well. The final settlements between these parties will soon have been accomplished, and in most cases satisfactory to both. The most of the laborers either prefer to receive their pay in money, or immediately sell a large proportion of the crops which fall to their share to the planters for the money, and by this means the greater proportion of the able-bodied freedmen will have from twenty-five to a hundred dollars each, while nearly all of the freedmen have been supported on the plantations.

The belief among the colored people that lands and stock were to be divided among them by the government has been gradually giving way, though reluctantly, the final disappointment to them will not be very great. Yet they have generally declined to make contracts for the ensuing year till after New Year's. I learn that in the last few days many have made contracts, and the prospects are favorable for the future. The high price of cotton is inducing planters to offer good wages for the next year's labor. Average wages will be twelve dollars a month for first-class hands, and these graded according to the capacity of the employes for labor. I have reason to believe that comparatively few freed people will be on public charity next year.

Self-interest among the planters is doing much for these laborers. The people at large show a spirit of dislike or hatred to the freedmen that is hard to account for. The feeling among the little planters, lawyers, the members of the present legislature, the croakers and other small fry, is contemptible. While the substantial planters have a degree of consideration for the former slaves that could hardly be expected. They are paying quite well for this year, and offering good wages, quarters, and rations for the next, with the privilege of the laborer to keep his family with him at little expense. The little men quite generally attempt to hire single men, or reject those who have families from the plantation. The competition for labor in this State will compel these matters to remedy themselves.

A large number of freedmen are coming into the State to find labor from Georgia, saying the planters are unwilling or unable to hire because of the restrictions in that State on the labor system.

The great majority of the members of the legislature, now in session, are opposed to the equal or semi-equal rights of the freedmen. The proposed bills I have already forwarded to you, together with the letters to Governor Marvin, are a pretty good index of the feelings of the members.

The system inaugurated by the prescriptions of circular No. 9 is working well. So far as I have been able to learn, all the judges of probate, and when authorized, the justices of the peace, have entered upon the duties in good faith. I have not yet heard from some of the southern counties. The general disposition of these officers is to deal justly with all parties. Whenever they have asked instructions or advice, I have corresponded freely with them, and whenever I thought it necessary, I have sent an agent to correct any errors. I do not think I could have adopted a better system to meet the necessities of the occasion,

while there are so few troops in the State. There have been cases of partiality in the division of crops, and there are men who, by one species of dishonesty or another, have failed to pay their hands, but these are exceptional cases, and those cases which it is hard to reach. All is done that can be to remedy these cases.

Immediately after the promulgation of circular No. 9, I instituted a system of inspection by agents of the bureau, whose duty it was to visit each county and consult with the officers in charge of the affairs of the freedmen, and explain to them the objects and requirements of the bureau. The State for this purpose was divided into five districts. Two of the agents have finished their tour and reported. The one for the southern district reported by letter from Tampa, after having accomplished half his labor. The reports of these officers are favorable, excepting in lower or southern Florida, where the agent, Captain Thompson, reports very unfavorably of the white citizens. These agents think there will be very little suffering among the freedmen this winter, and where they have received reasonable treatment this year they will be willing to work next, and *vice versa*.

Whenever proper application has been made for property in the possession of the bureau, it has been returned to the former owners.

No rations have been issued this month excepting at the hospital at Jacksonville and the asylum at Fernandina. No suffering has resulted yet. I have, by thus stopping the issue, been able to learn who the needy were, and have again ordered the issue to those absolutely unable to provide for themselves. In my instructions to stop the issue of rations, the orphan asylum was inadvertently included. The mistake was remedied as soon as my attention was called to it. The following is the best summary I could procure of the rations issued since June in the State:

Jacksonville.....	33, 614
Fernandina.....	26, 447
St. Augustine.....	19, 187
Tallahassee.....	227
Total.....	<u>79, 475</u>

The schools of the State are in a flourishing condition. There was some opposition to opening schools at Lake City and Gainesville, but these difficulties were overcome. We could have employed more teachers well if they had been sent to us. The following is a list of the schools: Fernandina, 2 schools, 330 pupils, 5 teachers; St. Augustine, 2 schools, 250 pupils, 4 teachers; Jacksonville, 3 schools, 530 scholars, 6 teachers; Lake City, 1 school, 310 scholars, 2 teachers; Gainesville, 1 school, 290 scholars, 2 teachers; Tallahassee, 1 school, 208 scholars, 2 teachers. Total, 10 schools, 1,918 scholars, 21 teachers.

At Fernandina the ladies conduct a sewing school. The orphan asylum at Fernandina contains about fifty-five inmates. Flourishing Sunday schools are connected with all the schools, and are mostly taught by the ladies.

During this month I have called upon General Foster for very little aid, Lieutenant Colonel Apthorp and Chaplain Moore being the only assistance I have had from the department, with three or four orderlies. I have had no difficulty yet, but am sorely in need of officers to take the place of the civilian agents to visit the counties of the State. If these officers can be furnished by you, I hope you will send them to me. General Foster tells me he has no officers to furnish. The pay of civilians being moderate, and not being allowed mileage, their pay will not support them.

Captain W. H. Barlow, assistant quartermaster, has been to Apalachicola to

look after the property interest there; but he has lately been relieved and ordered to Fort Garland, Colorado.

Major Joseph F. Denniston, commissary of subsistence, has thoroughly inspected his department in East Florida, and reported upon the necessity of issuing rations.

Major L. L. McHenry, assistant adjutant general, and Surgeon J. W. Applegate, have visited Key West, Tampa, and Cedar Keys, to look after the interests of the bureau in their respective capacities. These officers all report well concerning the general interests of the bureau.

I am, general, very respectfully, your obedient servant,

T. W. OSBORN, *Colonel,*

Assistant Commissioner Bureau R., F. & A. L., Florida.

Major General O. O. HOWARD,

Comm'r Bureau R., F. & A. L., Washington, D. C.

No. 14.

OFFICE ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Tallahassee, February 5, 1866.

GENERAL: I have the honor to report the operation and conduct of affairs of this bureau for January. I have deferred making this report since the 1st instant to receive some of the reports of the inspectors and subordinate officers, copies of which I will enclose.

The difficult labor of getting everywhere a division of the crops between the planter and his laborers, or seeing that the laborers were paid a fair remuneration in money for the labor of 1865, has been accomplished, and in nearly all cases satisfactorily to the parties.

Where the freedmen have worked well, the wages they received have been good; and where they for any cause worked badly, the wages have been small; but the freedmen universally accept the result as the natural consequence of a summer of idleness, and commence this year with a determination of procuring better pay by doing more work. I do not see but they reason up cause and effect with as much good sense as any other class of people.

Since my arrival in the State I have held firmly to the principle that all classes of people were citizens, and equally entitled to all the rights and benefits of American citizens, and as such were equally liable to punishment for crime, and to the responsibilities of citizens of the United States in all respects. I have held, too, in my official capacity, that every person should labor in some capacity to earn his bread and support his family, and that it was detrimental to any able-bodied person, white or colored, to be supported by the government, while every inducement was held out to him to labor for good wages. The old and decrepit are furnished with a house, and the indigent when necessary with rations. I also believe in the broad principle that demand and supply should in every community govern the price of labor, or, in other words, that labor is a commodity in the market, and that the possessor of it is entitled to the highest market value, and that any restrictions on the price of labor beyond this has a tendency to injure the best interests of the employer and employé alike. And as laborers by the laws of this State have the first lien upon a crop raised or labor done, further bonding of the employers for the payment of their employés would be rather injurious than otherwise, excepting to retain the present organization of the bureau to enforce the legal claims of the laborers when the civil authorities might fail to do it. I have, too, everywhere, where the influence of this bureau was brought to bear directly upon the freedmen, endeavored to treat them as men endowed with common sense; for I believe that

Providence has endowed them with as large an allowance of that special element of manhood as He has any other uneducated class of the human family. With these views of my duties and of right, I have endeavored to stand in the gap made by a lifetime's education of one party under the prejudices engendered in a slaveholding community, and the ignorance naturally resulting from the condition of slaves in the other party; and then, from this position I hold, to see justice impartially administered. Experience has further shown me that all the freed people require at the hands of the government, or at the hands of the people at large, is justice, and under a wholesome administration of it they will advance the best interest of the country, their own interest, and advance rapidly in all those branches of education which make a community of good citizens and reputable people.

The freed people of Florida need no sympathy above other people, but they require justice at the hands of the people and of the government.

I am highly gratified to be able to report that throughout the State the freed people have procured employment at remunerative wages, and I have never seen less idlers in any community than are to be found here among that class of people. With my acquaintance with the people of the northern States, I have never seen a larger percentage of the laboring people employed than we have here with the freed people. The average wages paid is \$140 to \$150 per year for first-class hands; \$120 to \$130 for second-class, or from one-fourth to one-third the entire crop raised, the planters finding everything, provisions included. The laborers generally prefer to have an interest in the crop, and the demand for labor has been so great that the planters have almost universally yielded to the demands of the laborers.

The average price for labor in the lumber business is from \$25 to \$30 per month. Double the wages I have mentioned are frequently given, and in some cases even much more than that for extra hands or "head men." Scarcely one planter out of a dozen will say in so many words that he has confidence in the negro as a free man, and yet all classes of the people are in excellent spirits at the prospects for the present year.

The State requires quite one-fourth more labor than can be procured in it this year. Three planters out of each four wish more hands than they have. I have made every effort to procure hands to supply in a measure this demand from points where it was reported there was an accumulation of vagrants, and the result shows there are no people without employment. To illustrate this point: A respectable planter within the last week offered to take all the negroes confined in the jail at Tallahassee, pay any charges that may be against them, regardless of the offences they had committed, and work them on his plantation, and pay good wages. In fact, several have been released on these conditions.

A very unexpected difficulty arose early in the month by a class of planters going among the laborers hired by their neighbors and inducing them by some representation to leave the planters with whom they had contracted. This practice became so prevalent and so great a nuisance, that not an hour of a day would pass but planters came to me to solicit my interference to prevent it, or prevent their hands from leaving them. I hesitated, because I knew I could not reach the most guilty parties, who of course were the white men holding out inducements to the negroes to break their contracts. The planters urged the matter on the ground that the negroes did not appreciate the binding force of a contract, and they believed they were at liberty to work for the men who offered the highest wages, regardless of having entered into a contract previously, but if I would officially say otherwise every freedman in the State would believe me. The result fulfilled their expectation, and not a single complaint came to me after the order was first published in the papers, and the conditions of the circular have resulted in doing much good. Very little,

if any, harshness has been resorted to. It further had the good effect of inducing planters to enter into written agreements. The circular also had a good effect in inducing people to refrain from this disreputable method of procuring hands, by an intimation that a person who would practice it "forfeits the reputation of a gentleman, and that he is an unsafe man to trust as an employer." I would have preferred not to have been morally compelled to issue this circular No. 1, as the conditions of it bear more heavily on one class than another; but the results derived from it have reconciled me to its conditions. Circular No. 2 is merely explanatory of one clause of circular No. 1.

In reference to General Order No. 4, headquarters department of Florida, in which punishments by stripes or the pillory are prohibited, I will only say here that the good will and kind feeling between Governor Walker, General Foster and myself, in our official capacity, has in no way been moved. The correspondence on the part of each has been kind and courteous, and looking to what each considered the best interest of the people. The entire correspondence, general orders, proclamation, laws, and explanations, have already been laid before you.

The provisions of circular No. 9, paragraph I, series 1865, from this office, have been modified, and agents are being appointed by special orders from this office to transact the duties of the bureau within special limits. The knowledge obtained of the civil officers in the different counties from their transactions under the provisions of this circular gives me an excellent criterion by which to judge of their merits to carry out the duties of this bureau. The circular was issued in accordance with the instructions of the Commissioner as nearly as I could understand them from information at my hand when it was published. It also accorded at the time with my own views, and the operations of the bureau under its provisions have in the main been successful and satisfactory. I watched the officers designated as agents very closely by a system of inspection. I made some removals and countermanded some of the agents' orders. The time has, however, come when it may with much propriety be modified, and special appointments made. In making these special appointments I shall take every precaution possible to select the best men for the position.

Four (4) officers of the Veteran Reserve Corps have reported to me and have been assigned to duty as supervising officers of specified districts; the different headquarters being located at Jacksonville, Gainesville, Lake City, and Marianna. I expect good results from the assistance these officers will give me in enforcing the regulations prescribed from this office for protecting the rights of the freed people.

All the available force I could spare has been employed in visiting different sections of the country, conversing with the civil officers and planters, and talking to the freed people. From these officers I have derived much valuable information. Four are now absent on this duty. Great good has also been accomplished by these officers visiting remote portions of the State, by giving assurance to the freedmen, and reconciling the planters to make a fair and thorough trial of free labor.

The commissary department has not been greatly taxed the last month. Rations are issued to the orphan asylum at Fernandina, to the hospital at Jacksonville, and to a few infirm or indigent people at Fernandina, Jacksonville, and St. Augustine. No people are suffering.

In the quartermaster's department we do not have a large amount of property or make large requisitions. Major J. F. Denniston, commissary of subsistence, is acting as quartermaster and disbursing officer.

I have been actively engaged in transferring the real estate received from the United States officers, in whose possession it was when I came to the State, to the original owners as fast as they make their application for it and comply with the orders regulating the restoration of property.

I directed F. W. Webster, agent, &c., to visit Pensacola, in January, and receive the property there now in the hands of J. W. Ricks, special treasury agent, which should be transferred to this bureau in compliance with the executive order of June 2, 1865. The agent was absent from Pensacola, and possession of the property was not obtained. This is the third time I have endeavored to get possession of the abandoned property at Pensacola, according to my instructions; but under one plea or another Mr. Ricks has refused to turn over the property. At Apalachicola the property has been nearly all returned. I also directed S. Conant, agent, &c., to visit East Florida and obtain all the information possible concerning property purchased by the United States at tax sales. A list was obtained, but as Judge L. D. Stickney, treasury agent, was absent, a transfer could not be made.

The schools of the State are prosperous and in fine condition. The building now occupied by teachers and for schools will be retained for their present use. Chaplain H. H. Moore reports twenty-one (21) schools, twenty-nine (29) teachers, and one thousand eight hundred and sixty-eight (1,868) scholars. The orphan asylum at Fernandina, under the supervision of Miss Chloe Merrick, has no material changes since my last report. It has fifty (50) inmates and five (5) attendants.

Surgeon J. W. Applegate reports favorably of his department. The hospital at Jacksonville is well organized and provided for. Where it has been necessary, regimental surgeons have cared for the freed people. The small-pox has broken out in a few places, but not enough to attract attention seriously. Not more than fifty cases have been reported in the State, five or six of which have proved fatal.

The mail facilities are still in a very disorganized condition, and I am compelled to despatch officers or agents for any information that is required off of the lines of railroad, which have communication with but a small portion of the State.

There has been some suffering in Manatee and Hillsboro' counties among the families of United States soldiers, (white,) enlisted from Florida. The only assistance furnished them in January was to transport corn to them at United States expense.

The United States flag was not raised over the capitol during the session of the legislature.

I am well aware that there have been cases of ill-treatment and dishonest dealing on the part of the planters with freedmen; while we also find noble treatment on the part of others with them. For instance, Colonel R. H. Gamble and Colonel J. J. Williams each employed a hundred and twenty-five hands last year. Colonel Gamble has paid his hands upwards of \$12,000 for their labor, and is still indebted to them; while Colonel Williams, aside from what he has paid, now holds \$10,000 in cash, subject to the order of his laborers. But these extremes are exceptional. The aggregate condition of the freed people in the State is good and highly encouraging for the future.

I have the honor to be, general, very respectfully, your obedient servant,

T. W. OSBORN,

*Colonel, Ass't Commissioner Bureau Refugees, Freedmen,
and Abandoned Lands, State of Florida.*

Major General O. O. HOWARD,

Com'r Bureau Refugees, Freedmen, and Abandoned Lands.

FERNANDINA, FLA., *January 25, 1866.*

SIR: I have the honor to report the following number of inmates and attendants at the asylum under my charge at Fernandina for the month ending January 21, 1866: Number of inmates, 50; number of attendants, 5.

I am, sir, yours, respectfully,

C. MERRICK.

Col. T. W. OSBORN, *Assistant Commissioner, &c.*

OFFICE ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Tallahassee, Fla., February 7, 1866.

COLONEL: In relation to the present condition of the medical department of the bureau for this district, I have the honor to submit the following report:

There are four (4) medical officers on duty in the district; three (3) regimental surgeons, and one acting assistant surgeon, employed by the bureau.

The regimental officers attend to refugees and freedmen, in addition to their other duties. The number of freedmen who apply to these officers for assistance is quite small. No refugees have been reported as attended by them. Acting Assistant Surgeon H. C. Vaughan has charge of the post hospital for freedmen at Jacksonville. The number of inmates in this hospital is nineteen (19.) Most of them are old and infirm persons, and some of them are afflicted with chronic diseases of long standing. The number of attendants in this hospital is three (3.)

This hospital (or more properly asylum) is intended as a receptacle for all of the old and indigent freed people in the State, or for those who, from any cause, are not able to labor for their own subsistence. There is no other class of persons who require assistance from the medical department of this bureau, as all others, who are able-bodied can readily obtain employment, and are thus able to provide their own medical attendance.

The entire number sick at the date of the last weekly report was thirty-five, (35.)

Small-pox has prevailed to a very limited extent throughout the State; not more than one hundred cases have occurred. On the plantations, where the disease has made its appearance, the freed people have been cared for by their employers. In all the towns and villages the municipal authorities have provided pest-houses, and have taken steps to prevent the spread of the disease. Vaccine matter has been furnished by the bureau, whenever required. No serious trouble need be apprehended on account of this disease.

I am, very respectfully, your obedient servant,

J. W. APPLEGATE,

Surgeon U. S. V., Surgeon-in-chief D. F.

Col. T. W. OSBORN,

Assistant Commissioner, District of Florida.

OFFICE COMMISSARY OF SUBSISTENCE AND A. A. QUARTERMASTER,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Tallahassee, Fla., February 8, 1866.

COLONEL: In regard to the condition of the subsistence and quartermaster's departments of this bureau for the State of Florida, I have the honor to submit the following report:

On the 3d of January, by your direction, I authorized the commandants of military posts in the State to order the issue of rations to those freedmen who were in absolute need, having previously ascertained that some few were suffering for want of food. At the same time I requested such commandants to require their issuing commissaries to forward a report of the number of rations

issued, and the money value of the same, at the end of each month. Up to the present time I have failed to receive any report of rations issued at the different posts, although I have learned (unofficially) that such issues have been made. For this reason I am unable to make any statistical report on the subject; but I am assured that the issues have been quite small, and confined to the posts of Jacksonville, Fernandina, and St. Augustine. The only authorized issues that are now being regularly made under the auspices of the bureau, in this State, are those made to the orphan asylum at Fernandina, and the hospital at Jacksonville, under charge of Dr. Applegate.

In regard to the quartermaster's department of the bureau, I would respectfully report, that I find considerable difficulty in procuring such articles as are furnished by this department of the army.

I have succeeded in obtaining five horses and three mules for the use of the officers and agents, who are required to be mounted. These I have drawn on memorandum receipts, pending the approval of a requisition by the Commissioner and the Secretary of War, forwarded to Major General Howard about the 1st of December, 1865; the Commissioner's approval, and that of the Secretary of War, being required by General Orders No. 49, Quartermaster General's office, August 26, 1865.

But little transportation has been used by the bureau during the past month, outside the requisite amount used by officers and agents, when travelling on duty—none except by sick and infirm persons on their way to the hospital at Jacksonville.

As disbursing officer, I have received during the month \$3,194 82, and disbursed \$1,344 50, leaving a balance on hand of \$1,850 32. Some debts remain unpaid; but the bills not yet being rendered, I cannot give the exact amount.

I am, very respectfully, your obedient servant,

J. F. DENNISTON,

Bv't Maj., C. S. V. and A. A. Q. M., Bur. R. F. and A. L., Florida.

Brevet Colonel T. W. OSBORN,

Ass't Com'r Bureau R. F. and A. L., Florida.

GAINESVILLE, FLA., *January 20, 1866.*

SIR: Extract from Special Orders No. 9, office assistant commissioner, relieving A. J. Cassidy, acting judge of probate for the county of Sumter, from duty as agent of the bureau, and appointing J. C. Lee, justice of the peace, as agent, together with orders in cases of field girls illegally bound to labor, are this day received. I shall forward them, with letter, to Lieutenant Hezlip by next courier. I had already heard that affairs were in an unsatisfactory condition in the lower counties. I am anxious to go through them as soon as possible. The affairs of the bureau in Alachua county are in much better condition than I had expected. The freedmen have, with very rare exceptions, gone to work in earnest. I have confidence to believe, if justice is done them, but little trouble will arise in this county. The school is in active operation, with about seventy-five scholars. Most of the adults who were attending school have entered into contracts. The ladies report very favorably of the progress of the colored children with their studies. I hope to make a complete report when I have made tour of my district. Can you inform me whether contracts, specifying a given amount of wages, legally require revenue stamps to be placed upon them? The matter has suggested itself to me, but I have not thought it proper to broach it.

Very respectfully, your obedient servant,

J. H. DURKEE,

Capt. and Sub-Ass't Com'r, Bur. R. F. and A. L., Dist. South Fla.

Colonel T. W. OSBORN,

Ass't Com'r Bureau R. F. and A. L.

MARIANNA, FLORIDA, *February 3, 1866.*

COLONEL: You will not expect a report from me at this time, but at the end of this month. Sooner, if possible, I hope to lay before you an official report of each county in the district of West Florida

Arrived here on the 29th ultimo, I find that the agents in Jackson county and other counties have approved contracts in which but three pounds of bacon are provided? They have no printed forms of contracts.

Good hands command one hundred and forty and one hundred and fifty dollars for the season. But few freedmen are employed in Marianna; A number of them have settled on government lands in the pine woods.

It shall be my endeavor to have a uniformity of contracts. Shall I annul contracts in which the stipulated four pounds of bacon are not provided. I have just received the message, &c.

With great respect, your obedient servant,

C. M. HAMILTON,
Bvt. Capt. V. R. C., &c.

Colonel T. W. OSBORN, *Commissioner.*

JACKSONVILLE, FLORIDA, *January 31, 1866.*

COLONEL: In compliance with your telegraphic despatch of the 30th instant, I have the honor to report that having been here but a short time, and not having an opportunity of meeting many of the planters, I only judge from what I hear, and learn upon inquiry. I should therefore think that everything works smoothly in this district, and that the freedmen, as a general thing, are at work, and doing well.

I have just returned from St. Augustine, where I have been for ten days; there I find that matters are working finely.

I have not as yet secured an office, but hope to in a few days. The quartermaster at this place (Lieutenant Logan) has promised to turn over one to me when he removes from his present location, which he thinks will be in a few days.

I am, very respectfully, your obedient servant,

WM. ARTHUR,
*Captain Second Regiment Veteran Reserve Corps,
Brevet Major U. S. Volunteers.*

Colonel T. W. OSBORN,
Ass't Com'r Bureau of F., R. and A. L., Tallahassee, Fla.

OFFICE SUPERINTENDENT EDUCATION, DEPARTMENT FLORIDA,
Jacksonville, January 28, 1866.

SIR: I have the honor to submit the following as my school report for the current month:

We have in St. Augustine: schools, 2; teachers, 4; pupils, 150. Fernandina: schools, 3; teachers, 6; pupils, 280. Jacksonville: schools, 3; teachers, 6; pupils, 240. Colony: school, 1; teacher, 1; pupils, 28. Lake City: school, 1; teachers, 2; pupils, 300. Gainesville: school, 1; teachers, 2; pupils, 280. Pilatka: school, 1; teacher, 1; pupils, 85. Tallahassee: schools, 3; teachers, 5; pupils, 240. Marianna: school, 1; teacher, 1; pupils, 80. Pensacola: school, 1; teacher, 1; pupils, 75. Lieutenant Cessna's school: teacher, 1;

pupils, 20. Bell Air: school, 1; teacher, (colored,) 1; pupils, 40. Midway: school, 1; teacher, 1; pupils, 20. Plantation near Tallahassee: school, 1; teacher, 1; pupils, 30. Making a total of: schools, 21; teachers, 29; pupils, 1,868.

Just at present, the small-pox prevails among the colored people in Jacksonville, which reduces somewhat the attendance at schools.

In other places the work is going on vigorously. Our teachers, as yet, find but little sympathy among the people of the State. There is quite a demand for teachers on large plantations, but under such circumstances that it would not be proper to supply them with ladies.

I have the honor to be, most respectfully, your obedient servant,

H. H. MOORE,

Chaplain and Superintendent Education, Department Florida.

Colonel T. W. OSBORN,

Assistant Commissioner, Bureau of Refugees,

Freedmen, and Abandoned Lands.

LAKE CITY, FLA., *January 30, 1866.*

SIR: In compliance with instructions, I have the honor to report, that in the month of January, 1866, one hundred contracts were made in this town between the planters and freedmen.

All those contracts were made according to instructions from the bureau. They embrace nearly six hundred persons. Most of them are heads of families. In most cases, those contracts have been made for wages ranging from ten to fifteen dollars per month. Many are made for portions of the crops. All of the contracts are very just and fair. A great many men are employed on the railroad, at good wages. I am very happy to state, so far as I am able to obtain information, that the system of free labor is working well. In my district here, the people seem desirous of treating the colored men and women, in all their contracts, just and fair. I have not heard of one instance of cruel or unjust treatment towards the freedmen. One great mistake has been made by the planters; that is, in binding several persons in one contract, all said persons being adults. In my opinion, those contracts are illegal, and I have instructed the judge of probate of this county to cancel all such documents, and have separate contracts made for each person, except heads of families, who are the proper guardians of their sons and daughters who may be minors, and have a right to contract for them. All this has been complied with very cheerfully by Mr. Smithson, judge of probate for this county. This gentleman is very much interested in behalf of the freedmen. I have had many orphan children bound as apprentices, during their minority, to good and kind guardians. I have also visited the school of the colored children at this place, and I find it conducted in the most admirable manner. The lady teachers are kind and attentive, and their pupils are making great progress in their studies. I have not been able to visit the other counties of my district as yet. I will occupy my office on the 1st of February, and will then take proper steps to establish an "intelligence office," according to instructions. You will please inform me if there is any certain form in which you desire these reports to be made.

I am, very respectfully, your most obedient servant,

ANDREW MAHONY,

Captain 14th V. R. C.

T. W. OSBORN,

Colonel and Assistant Commissioner,

Bureau of Refugees, Freedmen, and Abandoned Lands.

TALLAHASSEE, FLA., *January 31, 1866.*

SIR: In obedience to orders, I proceeded to Apalachicola and Pensacola, to obtain an account of abandoned and confiscated property, and have the honor to report. On my way to Pensacola, I stopped a few hours at Apalachicola, where I gave notice, through the judge of probate of Franklin county, that I should return in a week, and should then be prepared to receive and act upon applications for restoration, (under orders of the assistant commissioner.)

Arriving at Pensacola, I found that the acting special agent Treasury Department, who had charge of abandoned property in that place and vicinity, was absent. His chief clerk and representative, upon reading my orders, gave me access to all books and papers which could be of service to me, but declined to take any action in reference to a transfer of the property. I made a list, (herewith submitted,) and left in the office of the treasury agent duplicate receipts for the same. I also made a list (a copy of which is herewith submitted) of property which was paying rent to the government, and placed it in the hands of the judge of probate of Escambia county, with instructions (by written orders) to collect rents as they became due, and hold the same subject to the orders of the assistant commissioner Bureau of Refugees, Freedmen, and Abandoned Lands. The rents heretofore collected have been returned to the Treasury Department.

On my return to Apalachicola, I was informed by the judge of probate that no applications for restoration of property had been made during my absence, the claimants of property being content with its present status, since, in addition to the order of General Howard, by which a general restoration was made, special orders, chiefly Captain Childs's, late commander of the post and agent of the Bureau of Refugees, Freedmen, and Abandoned Lands, have restored nearly if not all the property which had been reported abandoned. I could find no papers nor records of any kind, nor any information from which a reliable list of property not restored could be divided. From papers obtained at the office of the bureau in Tallahassee, and from verbal statements (from memory) of officers formerly stationed at Apalachicola, I made out a list (herewith submitted) as accurate as it was possible to obtain. The difficulty of this task was increased by the fact that a large number of the orders for restoration (copies of which all are on file) described the property restored so indefinitely, or in terms so differently from the list in my hands, that it was impossible to identify it. There is probably very little if any property in Apalachicola, reported abandoned, which has not been formally and specially restored to its former owners. The last rents collected for the bureau on property in Apalachicola were paid in by Mr. Kingston.

Very respectfully, your obedient servant,

FRANK W. WEBSTER,
*Special Agent Bureau of Refugees,
Freedmen, and Abandoned Lands.*

No. 15.

OFFICE ASSISTANT COMMISSIONER,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Montgomery, Alabama, January 31, 1866.

GENERAL: A number of matters of engrossing interest, coupled with physical disability, have occasioned an unpleasant interval in this series of reports. During this interval our force has been materially strengthened by the arrival of officers from the Veteran Reserve Corps, whose respective assignments are

shown by the roster transmitted to-day. These will relieve us in great measure from the evils of frequent changes, and when those arrive who are named in the additional detail, we shall be enabled to make the bureau more effective at a less expense for civilian employes. For the present I have abstained from any marked extension of the agency system, until a definite basis should be furnished by legislation and the adjustment of military force. The foreshadowings of both these I have studied with much care, to be ready to meet them when they shall occur.

During the month past considerable proceedings have been had under the executive order of 10th November last.

The Selma iron-works presented a claim to Major General Thomas for part of the property sold at that place by the treasury agent, of which mention is made in my last report. General Thomas directed General Woods to restrain the delivery of the property in dispute. General Woods, knowing nothing of the particulars, restrained the whole. He was absent immediately after, but measures have been taken to have the discrepancy corrected and the claim decided on. I have preferred referring all such claims to him to deciding them myself, as I desire to keep the bureau free from all property entanglements; indeed, I only regard this kind of revenue as a *dernier resort*.

Brevet Lieutenant Colonel Wright, paymaster and disbursing officer, was sent out early in the month to visit and dispose of the Briarfield iron-works, touching which I have received some instructions from you. On the 9th instant he sold the works at public sale to F. J. Lyon and associates for forty-five thousand dollars, (\$45,000.) This price was, in some respects, low, yet it was about five thousand dollars more than I thought the works would bring. No money was exacted at the time of sale, which is not altogether satisfactory, but the conditions of the whole matter made this the best that could be done. I append a copy of Colonel Wright's report. A communication received yesterday from Mr. Lyon states that he has the purchase money nearly all ready, and, from the high character of the parties, I presume we shall in a day or two be in receipt of it. It was ordered by Colonel Wright, with my sanction, that all the other property sold by the Treasury Department should be regularly accounted for to the collector at Mobile, leaving that officer to settle with his own agents, and pay over the net proceeds to the bureau. But the Briarfield fund, a single large item, we thought best to secure without deduction, leaving the attendant expenses to be paid by the collector, by whose order they were incurred.

Upon receipt of the order which kindly secured to us the three vessels known as the "blockade runners," I directed Captain Kerr to proceed to Mobile, receive and dispose of them, under the advice of the general commanding department. The vessels and some other property have been received and advertised. Here also we encountered a claim to one of them which I referred to the commanding general for adjudication. General Woods is also kind enough to procure a naval appraisal, so that we shall know before the sale what they are worth. It is conjectured they will net about fifty thousand dollars. The largest cannot be brought out of the Tombigbee, where she has been a long time aground, until the river rises.

There are also some frame buildings about the State, which will be looked up and disposed of by an officer designated for that purpose by the department quartermaster. Delay in all these matters has arisen from the frequent changes in which everything is involved here.

We have, however, already received as the first fruits of the order about eight thousand dollars, which has been a great assistance.

Early in the month two persons were arrested by the provost guard, charged with plundering negroes on the highway. I caused them to be tried by a military commission. The testimony did not make a good case, and they were released on bail, pending the decision of the approving officer at department

headquarters. Two others were arrested on suspicion of belonging to a marauding gang. Although they were finally discharged for want of proof, yet as they were men of some prominence the arrest had an excellent effect in their county.

On the 15th instant the legislature reassembled. The palpable failure, when it last adjourned, of the attempt to depart from the standard of "equal rights before the laws," so long established here, and the wonderful abatement of doubt and dread which the freedmen themselves effected during the holidays by going quietly to work, had wrought a marked change in the public mind. The governor had no hesitation in vetoing the objectionable measures, declaring that he would set his seal to no bill which did not deal alike with all men whose circumstances were the same. The vetoes were sustained in both houses. A bill has been introduced, and will pass, applying this qualification to all laws in force, and repealing all inconsistent with it; and as the legislature long ago directed the governor to appoint a commission to codify the criminal laws, it is supposed their report, which is next week to be presented, will be in consonance with this view. Indeed, I trust the extended discussion this proposition has had in this State has given it such a footing that it can never be dislodged.

One of the governor's veto messages, however, requires especial notice. In returning the labor contract bill, he states that in his opinion no remedy is necessary for violation of contracts beyond that of damages, which the common law affords. As to freedmen this is practically no remedy at all, except where unpaid wages have accrued. Indeed, it points to an abandonment of the contract system.

This statement is worthy of profound consideration. It did not emanate from me, yet I may now say that I concur in it. I found the contract system established here, practically and in orders. The planters liked it, and so vigorously demanded contracts that there was danger they would not undertake to plant at all without them. Idleness was extremely prevalent, and contracts might answer to restrain this disposition. "Labor regulations" were therefore issued from this office. But it has all the while been my opinion that the freedmen would be found to be best governed by the same measures as are most effectual with ourselves, and only injured by artificial regulations. The true *incentives to labor* in the free States are hunger and cold, and it was only injurious expectations of parcelling out at Christmas that made freedmen evade these, in some measure, until Christmas came. This artificial barrier removed, normal relations were immediately established. The true *security of labor*, also, in the free States, is that whenever the laborer finds himself ill treated, or his wages insufficient or unsafe, he can quit without having to account to anybody. This is more and better than all laws. And the demand for labor will, I think, keep the freedman secure here in this particular. It certainly makes him so now.

Contracts imply bargaining and litigation, and at neither of these is the freedman a match for his employer; nor do I think he can be made so, except through an ever-present competition, to which he can appeal. Undoubtedly his credulity will be somewhat used to victimize him just now; but, besides the statement that he who has but one thing to dispose of soon learns to do it to the best advantage, and that even ourselves were obliged to meet this same experience in our boyhood, certain untilled plantations on all sides give emphatic warning that Nemesis does not overlook the matter.

Hence, while as an agent of the bureau I have faithfully tried to carry out its policy, I do not regret that I have occasion to express my views on this subject. And I have never felt authorized to infringe the liberty of even a freedman by compelling him to contract, but have simply told planters that where there was no contract approved by this bureau, *when they came to settle I should exact payment at the highest current rates*, if complaint was made, and there

was evidence of imposition. And I hope this rule will prevail when the present crop is being gathered in.

These views, general, are hastily expressed in transient correspondence; but they have some maturity of thought. You will not understand me to propose the subversion of an established guarantee; only that, as fast as the custom of money wages obtains its usual prevalence, both parties reserve the right to quit at pleasure. I have no further fear of the wandering propensities of the negro. The removal of forced restraint was naturally followed by a jubilee; but that is over now. He was brought up to work, and he will not depart from it. We can get along in this State without a contract law of any kind, and it is proposed to try it.

I am looking to the new Code also for relief from an outrageous law, a relic of the anarchy of rebeldom, which allows the jury to affix the penalty of death for horse-stealing. It makes no distinction of color; but the only two convicts I ever knew were negroes. The governor was kind enough to commute the sentence of one on the application of his former owner and the judge. I made application for the other, and obtained a reprieve, which is still pending, and will, I trust, be final. And I have little fear that the law will be continued.

Copies of the veto messages above mentioned have been sent you from time to time. You will remember that just after the election I assured you that Governor Patton would not be found wanting in sympathy or co-operation with the bureau, and I trust you will receive these as indications that I was correct; and he is a man not to be driven from a position once assumed.

The reassembling of the legislature brought also a vast mass of evidence of destitution, which was already indicated and confirmed by reports of officers and others, several of which I send you with this paper. The estimates sent in for the month were promptly met, and we have been able to supply partial relief as fast as the details of issue were perfected. Mr. M. H. Cruikshanks, the State commissioner, spent the first half of the month in north Alabama, making arrangements for the fourteen counties in Huntsville district, including those most in need of immediate help. He will next visit the counties to be supplied from Selma, Talladega and Tuscaloosa. He is vigorous and careful, and I am pleased with his operations. From the State estimate which I send you, you will see that the authenticated report is enormous, reaching 52,000 white persons. Yet the estimate sent in by me, for this month, does not exceed the maximum of *fifteen thousand* (15,000) mentioned in my last report. For there are already indications of abuse in some quarters, and I see no way but to fix for each county a limit, of no more than we are sure is needed, that they may be themselves interested to detect and prevent imposition. Indeed, the whole system is only excusable as transient. The State, however, has given conclusive evidence of the necessity by appropriating a million of dollars if it can be raised, which, however, I suppose is mainly designed for the very large class of persons who are in no sense paupers, but simply poor people who want credit for something for themselves and their animals to eat while they make their little crops.

The commissary ordered by General Woods to report to me has failed to do so for some reason unknown to me. His absence has caused me severe inconvenience and uncertainty, and steps have been taken to hold him to a strict accountability. The want has been supplied by the detail of an officer now here, who will report to-morrow. By the close of next month I trust that the ration business will be at least so systematized that we can give a full and specific account of it. I felt very much obliged to you for the detail made in anticipation of my request.

During the month also we have come, though not exactly into collision, yet into very direct contact with the militia system of this State.

As this system had in Mississippi received the peremptory sanction of the President, I have heretofore been reticent in regard to it. Indeed, before the holidays, though one utterly disbelieved the rumors of approaching insurrection, it was improper to forbid all measures of defence. But even then the creation of whole squads of special constables, with arbitrary powers, did not fail to attract such lawless characters as here abound, and to bear its natural fruits. These I then bore with because they were inseparable from the system. But *now*, when a statement of apprehensions is a *prima facie* falsehood, and *here*, where it is the rule to carry arms, the weaker party should not be forbidden to do so, nor systematic plunder carried on if I could help it. So I wrote a short letter, a copy of which I sent you, which produced infinite growling, but has in several respects given the right some strength. The members from the county where the trouble occurred at once called and pledged themselves that if the garrison was withheld, the freedmen should not be interfered with; on which I put them on probation.

Some time since, on an intimation from Major General Woods, commanding department, I filed with him my emphatic protest against the removal of the troops, feeling sure that their presence is as yet indispensable to the comfort and security, not only of the freedmen, but of other parties who naturally confide first in the general government. In this connexion I may properly recall the early and persistent application for cavalry in this State which was made by myself, and seconded by Governor Parsons. Reasons of the same nature still exist, though not of the same urgency. It is not the *resistance* of lawless characters and rebels we have to contend with; the difficulty is to *catch* them. Infantry in masses, perhaps, creates as much lawlessness as it prevents, but I am and have been confident that a few companies of cavalry, so stationed that the radii of their operations would reach the whole State, would be of great service both as a police force and for the moral effect.

The universal commingling of the freedmen during the holidays has caused a spread of contagious disease, and during the month we have been much concerned at the prevalence of small-pox. The labors of Surgeon Kipp have been very useful in this regard. He had organized a number of small-pox hospitals about the State, the charge of which has been assumed by the local authorities. We have, however, been doing all we could to help them with provisions and clothing for those who have recovered; and in this place, about four-fifths of the patients being freedmen, we made a single contribution of fuel. Free distribution of vaccine matter has also been made, as we could spare it, and I do not think the disease is now on the increase. Undoubtedly we should have had much more suffering, of this as of all other kinds, but for the very open and mild winter we have been blessed with thus far.

In the matter of schools we are still only at the threshold. Rev. John B. Taylor, formerly State superintendent of common schools, of whom I wrote you that I would like to get him into the bureau, has intimated his willingness to accept, but has been all the month confined to his bed. The visit of Mr. Mellen was encouraging, and I hope a school may come of it. We are renewing our correspondence, and other measures, to get the ball in motion and give it respectable dimensions.

This report is transmitted to you by the hand of Lieutenant Colonel Wright, who has, during the past week, been relieved by Brevet Lieutenant Colonel Edwin Beecher. I much regret the necessity that removes Colonel Wright, on every ground. I have talked more intimately with him than with any one here, and he can fully supplement this report, written by snatches. What I have seen of Colonel Beecher gives promise that the relations which we have enjoyed with Colonel Wright will soon be established with him.

For a concluding observation, I think the State is quieting down, and that while there may not be any decided growth of what we want, there is yet a gradual abatement of what we feel bound to repress.

I am, general, very respectfully, your obedient servant,

WAGER SWAYNE,

Brevet Major General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, Freedmen, &c.

Memoranda enclosed.

Encloses report of tour of inspection in Lowndes county, by C. W. Buckley, inspector. Also, report of tour of inspection in eastern Alabama, by C. W. Buckley, and letter from R. F. Smith relative to destitution in Randolph county.

Memoranda.—Report of General Swayne of January 31, 1866.

Numerous matters of interest, with physical disability, caused the lull in the reports. Number of officers on duty has been strengthened by accessions of officers of the Veteran Reserve Corps. These officers will relieve the bureau from the evils of frequent changes, and make the bureau more effective at less expense. Has abstained from any marked extension of the agency system until definite basis is furnished by legislation and adjustment of military force.

The Selma iron-works presented a claim to Major General Thomas for part of property sold there by the treasury agent. General Thomas directed General Woods to restrain the delivery of the property in dispute. General Woods restrained the whole, and was absent immediately thereafter. Measures have been taken to have the discrepancy corrected. Has referred all claims of this character to the military commander, preferring to keep the bureau clear from all property entanglements, regarding this revenue as a *dernier resort*.

Brevet Lieutenant Colonel Wright was sent out early in the month to visit and dispose of the Briarfield iron works. Sold them on the 9th instant for \$45,000, being \$5,000 more than was expected for them. No money was exacted at the time of sale, which is not altogether satisfactory. It was ordered by Colonel Wright that all the other property sold by the Treasury Department should be regularly accounted for to the collector at Mobile, leaving that officer to settle with his agents and pay the net proceeds over to the bureau. The Briarfield fund, being a large item, it was thought best to secure without deduction. Upon receipt of the order securing the "blockade-runners," directed Captain Kerr to proceed to Mobile, receive and dispose of them, under the advice of the department commander. They and some other property have been received and advertised. Encountered a claim to one of them; referred it to commanding general. General Woods, by a naval appraisal before sale, will inform the bureau of their worth. Several frame buildings in the State will be looked up and disposed of by the department quartermaster. Has received about \$8,000 as a first-fruits of the executive order. Four arrests have been made for plundering negroes, &c., and have had a good effect.

The failure of the attempt to depart from the standard of "equal rights before the law" made by the legislature, and the freedmen during the holidays going quietly to work, made a marked change in the minds of the people. The vetoing of the objectionable measures and sustenance by both houses seems to have given the proposition a footing from which it cannot be dislodged.

Deems that the freedmen will be best governed by the same measures as are most effective with ourselves, and only injured by artificial regulations. The true *incentives to labor* are hunger and cold; the true *security of labor* in the

free States is, when the laborer finds himself ill-treated, or his wages insufficient or unsafe, he can quit without having to account to anybody. The demand for labor keeps the freedmen secure in Alabama now.

Contracts imply bargaining and litigation, at which the freedman is no match for his white employer. Did not wish to infringe the liberty of the freedman by compelling him to contract, but have simply told the planters that when there was no contract approved by the bureau, "*when they came to settle I should exact payment at the highest current rates,*" if complaint was made, and there was evidence of imposition. Wishes to be understood only that as fast as the custom of money wages obtains its usual prevalence both parties reserve the right to quit at pleasure. Can get along in Alabama without any contract law, and propose to try it.

Looks to the new Code for relief from the law affixing death penalty for horse-stealing. The only two convicts he knew are negroes; one is commuted, and a reprieve is pending on the other. Copies of the veto messages have been forwarded. Hopes they will prove Governor Patton to be in sympathy with the bureau.

The reassembling of the legislature brought a vast mass of evidence of destitution. Authentic report reaches 52,000 whites, while his estimate for this month does not exceed 15,000. Are indications of abuse in some quarters. The State has appropriated a million dollars, if it can raise it, for their relief.

The commissary ordered by General Woods to report has not done so. His absence caused some inconvenience and uncertainty. Has taken steps to hold him to a strict accountability. During the month, has come, though not exactly into collision, into direct contact with the militia system of the State. Although disbelieving the insurrectionary rumor, it was improper to forbid all measures of defence; but now that had died away, the weaker portion of the community should not be forbid to carry arms, when the stronger do as a rule of custom.

Filed with General Woods an emphatic protest against the removal of the troops. Deems the presence of masses of infantry an evil, and unwieldy for the service required, and that a few bodies of cavalry would have a salutary effect.

Does not consider the small-pox as now on the increase. Four-fifths of the patients being freedmen, aided the hospitals by furnishing fuel.

The matter of schools is still on the threshold.

MONTGOMERY, ALABAMA, *January 5, 1866.*

GENERAL: I have the honor to submit for your information a report of my recent tour of inspection in Lowndes county, in this State. In the production of its soil and the number of its colored population, this county ranks third in the State. In it are living many large planters who owned a large number of slaves. It was natural, then, in a county so densely populated with blacks, to expect vast confusion when the time arrived for them to seek homes for themselves and families for the coming year. This bewilderment was augmented many fold from the fact that the county has been without an agent of the bureau for the past year; no troops have been quartered within its borders; a large portion of the county is remote from the river, and also from any railroad communication, and the information which usually spreads along such thoroughfares has had but slight influence in the county. Hence, many of the colored people must, of necessity, be grossly ignorant of their true position, and at a loss to know what is for their best interest. Many of the planters also, in the more secluded portions of the county, have clung more closely to their old prejudices than in sections where there has been greater freedom in the exchange of thought and opinion.

I started for this county on the 27th ultimo, accompanied by an orderly, with the view of ascertaining the true condition of the freedmen, and imparting to them

such information as might be of service to them in securing homes and employment. I labored for one object; I had but one aim—to bring the planters and the freedmen into such harmonious relations as to insure an organized and efficient system of labor for the present year. I felt confident, moreover, that my efforts would not be wholly lost with the freedmen, for I have always found them tractable and eager to receive instructions. After getting some distance from Montgomery, I found in some sections a timidity which seemed unnatural, a shyness among the freedmen which was very apparent. The few whom I met on the public roads, as I drew near them, would leave the roads, and pass around me through the fields or woods. Far the greater portion remained timidly near their cabins in doubt and suspense. At length I found the cause of this wonderful timidity in these sections. It seems, in certain neighborhoods, a company of men, on the night before Christmas, under alleged orders from the colonel of the county militia, went from place to place, broke open negro houses and searched their trunks, boxes, &c., under pretence of taking away fire-arms, fearing, as they said, an insurrection. Strange to say, that these so-called militia-men took the darkest nights for their purpose; often demanded money of the negroes, and took not only fire-arms, but whatever their fancy or avarice desired. In two instances negroes were taken as guides from one plantation to another and when the party reached the woods the guides were most cruelly beaten.

I really believe the true object of these nightly raids was, not the fear of an insurrection, but to intimidate and compel the blacks to enter into contract. For this same purpose, I found men who drove the freedmen from their houses on Christmas day, because they would not contract, thinking they would prefer to remain on any terms than to be driven out, with their wives and little children, into the storm to seek new homes. Some planters attempted to make it as difficult as possible for freedmen to change their homes, by declaring that a negro should not hire again within ten miles of his former home. I have the best of reason for saying all such attempts most signally failed, and men who treated the negroes thus are the ones who have been left without laborers to cultivate their fertile fields. Such was the demand for negro laborers even in this county, so densely populated with them, that any combination to abridge their freedom in seeking and changing homes, or to control the price of labor, failed most utterly. One man whom I met and talked freely with went to the county jail and bailed out four negroes and gave them high wages, that he might have hands to make his crop.

Another fact of which I was convinced, and am most happy to report, is this: The growing confidence of planters in their ability to make a crop with free labor. This idea has gained ground rapidly in a few weeks past. Of all the men, on my recent trip to whom I put the question, "Do you think you can raise a crop with free negroes?" I have not found one who doubts the result. Men who told me last May and June that free negroes will not work without compulsion, have told me this week that their negroes never worked better than they are now doing.

I cannot fail in this report to speak also of the prevailing good behavior of the freedmen during the holidays. An old citizen of Hayneville told me that he had never seen the town so orderly or the public square so free from idle negroes as during the holidays just passed. When we take into consideration the great ignorance of the blacks, their inexperience in providing homes for themselves, (this being the first time in their history,) and then compelled to make the change in mid-winter, during a severe storm of a week's continuance; when we take into consideration also the impatience of planters, and the irritation naturally caused by this great change and breaking up of a past labor system, we may safely say that we have passed smoothly over one of the most trying periods in the history of the colored race. Henceforth our feet tread on firmer ground. There is wrong and suffering, to be sure, everywhere; how

great and how much no one on earth will know. There are fugitives from justice who never will appear before an earthly tribunal. There are criminals whose guilt will never be atoned for in time, yet much has been accomplished. Much has been done by the fostering care and protection of the bureau. Much is due to the vigilance of military power. Much is due to a generous government and the beneficence of a Christian nation. But all this is as nothing compared with what God is doing for the race. Stubborn and persistent has been the reluctance of the negroes to contract; so stubborn, that the entreaties of friends were powerless; so persistent, that the intimidation of foes was of no avail; so widespread, that it reached from Virginia to Texas. We deprecated it; we strove against it; and yet it was God's method of teaching eight millions of people their dependence upon the despised freedmen, and the most arrogant and haughty would not learn the lesson until the holidays left them without laborers to eat their bread by the sweat of their brow. How comprehensive are these lessons which God would teach us. How powerful and all-pervading are the secret laws by which a just God governs the affairs of men. How difficult for human agency to seek out and suppress the wrongs of a single State. How impossible almost for human charity to relieve the sufferings of society. And yet how easy it is for God to do it by the very elements of society themselves. These things He is doing day by day for the colored race. *He is ordering that the self-interest of the former master shall be the protection of the late slave.* Where all other laws fail, this is effective; where other agencies never go, this is present to raise up friends for the helpless and ignorant, and to open the prison door to the bound. The present, then, I regard as the most favorable period for striving after a permanent reconciliation between the former master and slave. Now is the full-tide time of effort. The very forces of society are aiding to solve the problem.

I have the honor to be, general, with much respect, your obedient servant,

C. W. BUCKLEY, *District Inspector.*

Brevet Major General W. SWAYNE,

Assistant Commissioner, State of Alabama.

A true copy :

C. CADLE, JR.,

Brevet Colonel and A. A. G.

No. 16.

OFFICE ASSISTANT COMMISSIONER,

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

Montgomery, Ala., December 26, 1865.

GENERAL: My usual weekly report was not forwarded last week in consequence of my feeling it necessary to go to Mobile immediately upon the adjournment of the legislature. I, however, telegraphed you a summary of the action of that body, and requested Colonel Cadle to send you copies of the bills with an apology for myself. I returned from Mobile on Saturday, having been four days *en route* in consequence of attempting to come up the river in a boat which met with an accident. I send you enclosed two slips from the Mobile Register and Advertiser, containing letters to that paper, which give the best account I have seen of the legislative action last week. It is proper, however, to observe that I have studiously avoided interfering with that body, and have not been in either house except on occasion of the inauguration. On Friday the governor sent for me. I found in the executive office Governor Patton, Governor Parsons, the president of the senate, and other gentlemen. They submitted to me three bills, the approval of which was under consideration: 1st. The apprentice bill, which I could only pronounce the revival of slavery, so far as concerned

persons under age. 2d. The contract bill, which I was obliged to pronounce the revival of slavery for all others, except as to sale of persons. 3d. A bill to revive those parts of the slave code which refer to free negroes. I simply opened the statute-book and pointed out provisions which required all free negroes to leave the State within thirty days, and others of the same or worse tenor. I moreover advised them that the fact that 10,000 copies of all these bills had been ordered "for immediate distribution," showed that the status of the courts here was not understood, and that I had been obliged to issue my circular No. 3, which has been sent you.

Thereupon, Mr. Crenshaw, the president of the senate, drew the bill which was presented, to abolish the distinction of color in the administration of the laws. It was a time of profound feeling, but I am assured that the bill will pass next month. Meanwhile I hope and trust Congress will save them the trouble. From first to last I have asserted with deepening conviction, that on this condition, and this only, is it just, or wise, or safe, to allow civil justice to have exclusive power among this people, and from this condition, while I have the power, I will not swerve an inch. But there will be a continual fight about it until they see the line of strict equality laid down by Congress.

Arrived here, I found awaiting me your circulars Nos. 19, 20, and 21. The first of these refers to the matter of rations, which I have not entered upon heretofore, because everything seemed so uncertain I knew not what to say.

From the time I first came here, Governor Parsons, and many gentlemen I met, were full of most sincere apprehension as to the horrors of this winter. They pointed to the number fed last year, and alleged good reasons why the number of needy should be much greater this year.

I could not help feeling that this was true, and on my visit to Washington, and elsewhere, I indorsed the statements of the governor in this regard.

On the assembling of the legislature, the governor recommended that a large appropriation be made to purchase food, and that a commissioner be appointed to co-operate with me in the work of distribution. Such an officer has been appointed, but has not yet reported.

Committees on "destitution and supplies" were also appointed; and that of the house proceeded at once to gather data as to the probable extent of destitution in the State. They were not very energetic, nor had they reports from all the counties; yet the chairman gave me a memorandum, stating that he estimated that there were 130,000 destitute persons *among the whites alone*.

At this juncture I received your letter, reminding me of my statement, that the issue would have to be about 40,000. In the light I then had, I felt bound to give my opinion that it ought not to be less; but, meanwhile it was actually being made smaller, by the withdrawal of the troops and consequent reduction of supplies. I went to Mobile partly to correct this. I obtained from General Woods the enclosed circular, No. 4, and notified the commissary who sends supplies to all points accessible from there, that I should ask for the issue of from 12,000 to 15,000 rations daily, divided between Mobile, Selma, Montgomery, Talladega, and Tuscaloosa. It was my design to ask that 5,000 more be sent from Nashville to north Alabama; and these estimates will go in as soon as I have finished this. You will understand that so far I am acting on information, considering that if I am allowed to have the stores at all, it is not too much to *provide* for a number from both classes, only equal to one-seventh of those said to be destitute in one class.

But when it comes to *issuing*, I am disposed to rigid scrutiny. While I think it right, as I have said, *to provide*, yet, *before issuing*, I propose to make careful scrutiny of each district. I have never issued rations except where destitution was asserted under oath and I propose also to keep this up. The State commissioner is a clear-headed, vigorous man, and he must help in this. And just here I must say, that the apparent want is not so great as I appre-

hended. Two months ago women and children and broken-down men came thirty and forty miles in wagons to beg a little food. There is not so much of this now; and I felt this so strongly that I went this morning to talk it over confidentially with Governor Patton. He is a practical, conscientious, economical old merchant, who, I thought, would neither deceive nor be deceived. He said, however, that he knew there could be no mistake as to the mountain counties, and told me of some sad incidents. He felt assured that 5,000 rations for Huntsville district would not go beyond the strict requirements of humanity; I shall accordingly ask for that number, but shall try to go up there next week. But as to the portion of the State originally under my jurisdiction, I shall proceed more slowly; and I think that here I shall be able, outside the cities, to restrict the issue mainly to helpless colored persons. I hope the issue in the State will, in no case, exceed 15,000 rations; and I give you the earliest possible notice of this that you may use your judgment in relation to it.

Upon receipt of the executive order directing a transfer of property to me, my idea was, not to encumber the bureau with the custody of any property except such as it required for use; and, as to the rest, to have Mr. Montague, who had been assigned to that duty by the Secretary of the Treasury, dispose of it, settle with his agents according to outstanding agreements, and transfer net proceeds to Colonel Wright. But last week I received notice from the Secretary and from Mr. Mellen, the supervising agent, that this would not be permitted. I saw Mr. Mellen at Mobile, and learned that this action was based upon the fact that Mr. Montague was not in favor with his superiors. I at once applied to General Woods for some officer in whom he had confidence, and am in hopes in a few days to relieve Mr. Montague with an excellent officer of the quartermaster's department.

Meanwhile the property at Selma had already been brought to my notice. The personalty there had been offered for sale, and some large brick stacks and furnaces. These I struck from the list, as they plainly belonged to the realty, which had not been advertised. The rest, which had no such connexion, I permitted to be sold, and enclose you Mr. Montague's account of it.

The plan of the sale at Briarfield was not satisfactory to me. It was proposed to sell all that could be removed from a large iron works, without any reference to the realty. I at once directed this sale to be postponed, and notice given that, in the meanwhile, bids would be received for the realty. Mr. Lyon, whose application to you had been referred to me, was specially advised of this. I send you a copy of the notice.

I have also an application from General Croxton to purchase the works at Blue Mountain. I enclose you copies of his letters. I did not think it advisable to lease the property. I have no knowledge as yet of its real value. I should be glad to have instructions in this matter.

There are a number of loose buildings about the State which I am trying to turn in, several of them are still occupied by troops; and these I have not interfered with.

You will observe that one-half of the very large estimate, forwarded this week, is for two contracts made before I came here. Both of these have been examined on the ground by Colonel Wright, and are believed just claims, though it is thought the larger one can be compromised. It seems to me unwise for the government to undertake the business of farming in this manner. As orders were already received to pay the claim of Mr. Alcorn, (and it was supposed the other would be disposed of in the same way,) it was thought best to put them both in the estimate, and get authority to pay what is found to be necessary, with a view to getting them out of the way as soon as possible.

As we get in a little money, uses for it multiply. It is hoped that before long a direct act of Congress will measurably remove the struggle between humanity and discretion, by laying down a precise line of expenditure, with

definite means. Some items in the estimate sent this week will explain what I mean. Except that for a hospital at Talladega, which is mainly the forwarding of an application, all are believed to be founded on strict necessity or past expenditures. The price of rents here is enormous, \$1,500 to \$3,000 for dwellings, \$2,000 to \$7,000 for stores, and everything else is in proportion. Corn is \$2 25 per bushel—an important factor in the problem of destitution.

I am in receipt of Colonel Woodhull's letter of December 19, by your order, referring to the Monroe County Agricultural Association. The question of the right of the freed people to hold real estate did not escape me, but I did not think it worth while to raise it. Even before the war, free negroes had the same right here as white persons in this respect, and it has never been denied them since. They constantly exercise it under our system here, which administers the laws in this, as in all other respects, *without distinction on account of color*, and I have taken it for granted that these people would never be abandoned by the general government till this, with other rights, was secured to them in perpetuity. I am satisfied no bill to deprive freedmen of this particular right can become a law in this State.

Meanwhile, this plan is taking root. Having been advised of a meeting in Conecuh county, I sent the officer who met you at Jackson to attend it. They adopted the Monroe articles word for word. Chaplain Buckley was pleased with what he saw, and recommended the man elected president. I have learned of similar meetings held, or about to be held, in Clarke or Wilcox counties, and I suppose the results will be before me when the legislature meets.

I wrote you some time since that I was not satisfied with the working of the courts here, and that the difficulty arose not so much from a denial of justice as from failure to use its ordinary means. Several cases of outrages have come to my knowledge, perpetrated by men in *disguise*, and in the night. I have thought much how to correct this evil, and I am disposed to try the means used elsewhere to stimulate justice, i. e. *rewards*. Thus, with your approval, I should like to advertise pretty widely that I will give a reward of \$1,000 for the apprehension *and conviction* of the parties who, in Mobile, have burned three churches within six months. And there are two other cases in other parts of the State where smaller rewards would answer an excellent purpose. People would at least be careful of new crimes. As I said, uses for money multiply. I do not want to be extravagant, yet I feel bound to make to you suggestions which I think for the good of the work.

Christmas has passed without the slightest difficulty being reported so far. And so far no helpless freedmen have been reported to me as having been turned out homeless, though I have occasional applications to take charge of such. There may be more at New Year's, but the negroes seem generally willing to stay on the old home places and to care for their own helpless among themselves. We shall open no new colonies, unless perhaps one near Huntsville, and we are making some progress in inducing county commissioners to take those we have.

We get no response to our applications to benevolent societies at the north for teachers. We have several places where we could place northern male teachers to advantage, and many more where we could use teachers selected here.

Very respectfully, your obedient servant,

WAGER SWAYNE,

Brevet Major General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner of Bureau of Refugees, &c.

No. 17.

OFFICE ASSISTANT COMMISSIONER,
BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Montgomery, Alabama, January —, 1866.

GENERAL: I forwarded to you last week my usual weekly report by mail. I then wrote you that Christmas had passed without any apparent disturbance. None has since been reported, and the same may now be said of New Year's day. There was quite generally a changing of places, a good deal of confusion, and undoubtedly some suffering, but no such consequences as were apprehended on both sides. In Lowndes county, near here, the planters made a strong combination to hire no negro away from home. The freedmen stood it out until the planters gave way, and they finally hired at random, at a little higher wages than were generally paid elsewhere. Fewer cases are reported of helpless ones turned out of doors than I anticipated. On the other hand, it is like moving a mountain to get these county commissioners to do anything towards providing a poor-house. As soon as the legislature meets, I shall again attempt to compel them by law to do it. Such a bill was introduced a few weeks since, but was finally laid on the table.

Mr. M. H. Cruikshank, the commissioner appointed by the State, has reported and entered upon his duties, going first to Huntsville, whence he will explore north Alabama, and arrange the distribution of supplies to the really needy. He will also have in view and advance the other objects of the bureau. He is an active, and, apparently, an excellent man. His salary and travelling expenses are paid by the State. To be sure, to be on the safe side, the estimates sent in were finally reduced to thirteen thousand five hundred in all.

I have about given up the hope of receiving any accession of teachers from northern benevolence, though we shall still press our application. Meanwhile I shall try what can be done among the Christian denominations of the State, nearly all of whom have pledged themselves by resolution to aid the education of the negroes. To this end I have tendered an appointment as superintendent of schools to Rev. John B. Taylor, a Baptist minister, whose life has been mainly devoted to education, and who was doing what he could to promote schools among the negroes even before I came here. He is well known throughout the State, having been formerly State superintendent of schools, and came within a few votes of the same position a month ago. He has my proposal under advisement. If he accepts, I will send him out over the State to see what he can do, and shall hope for good results.

Two men were arrested near here one day last week, who were robbing and disarming negroes upon the highway. The arrests were made by the provost marshal's forces. The men represented themselves as in the military service, and acting by my order. They afterwards stated, what was probably true, that they belonged to the Macon county militia. I have procured a military commission, and shall proceed to try them, making the first charge the unlawful assumption of authority. A *habeas corpus* will be sued out and taken to the President. I am sorry to give you this trouble, but I must enforce upon this people my original proposition, that if they don't do justice, it will be done for them. And it is further desired to convince the local militia that stealing clothing, pistols, and money, under guise of "disarming the negroes," or stealing pistols only, is *robbery*, and will be so dealt with, according to the means we have. There must be "no distinction of color" in the right to carry arms, any more than in any other right. When the writ of *habeas corpus* is served, a special communication will be forwarded for presentation to the officer to whom the prisoners' application is referred.

We are in receipt of an order detailing several officers of the Veteran Reserve

Corps to report here, and two of the officers have arrived. The re-enforcement is very welcome, and especially needed just at this time, when we are losing some of our best officers by muster-out. Lieutenant Colonel John B. Callis, who arrived to-day, will be sent to relieve Chaplain Goodfellow, at Huntsville, mustered out of service. He is an excellent officer, who will not stay as a civilian, and with whom I am very sorry to part.

In this connexion I am in receipt of Chaplain Goodfellow's report upon the application of W. T. Clarke, late of General Fisk's staff, returned with your indorsement for my action. In the absence of countervailing proof, the facts stated show that this was in fact a purchase of government property by an officer in the service. But as General Fisk seems disposed to make a personal matter of it, I think the government would probably lose less by the transaction than by a quarrel in the service, and shall accordingly confirm the sale. The technical question of jurisdiction I of course care nothing about. We are also in receipt of your telegram of date December 28, 1865, calling for an estimate of quartermasters' stores for the next six months. It has been prepared and goes forward immediately.

From Colonel Woodhull, also, we have a memorandum of forty cases of clothing and supplies, sent by R. B. Minturn and other gentlemen of New York city. I have addressed a note to Mr. Minturn, and shall further acknowledge the receipt and distribution of the stores.

I have, also, from Colonel Woodhull, a circular of the American Freedmen's Aid Society, calling for a variety of information; the circular indorsed with a statement of the hold which the society has upon the bureau. This fact is recognized, and we shall furnish such information as we can. Before receiving your indorsement I felt a little hurt at the fact that not one teacher has arrived and reported to me since I came here. I felt at liberty to treat the project as I, in fact, regarded it, as a ponderous and expensive diversion from the proper work of the commission.

During the holiday season contracts have been made on every hand, and are still making. The general average of payment is, besides food and quarters and medical attendance for the entire family, ten dollars a month for men and eight for women. I have not thought it best to interfere with the laws of supply and demand any further than simply to secure to the helpless ones the necessities of life. So far as I can learn, the demand for labor exceeds the supply in all portions of the State. We estimate that there are now probably as many as five thousand northern men in the State, and the freedmen show them a marked preference. There is another gratifying feature: those men who used their freedmen badly last year, find proportionate difficulty this year, and some of them have had to give it up. We have also received and read with much interest your first annual report. I beg to thank you for so much of it as refers kindly to myself. I hope and trust the work here may show that the foundations are well laid. The result, of course, must come from the Divine blessing.

Very respectfully, your obedient servant,

WAGER SWAYNE,

Brevet Major General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, Freedmen, and Abandoned Lands.

Memoranda.—Report of Brevet Major General Swayne, January, 1866.

Wrote in last weekly report that Christmas had passed without any apparent disturbance. New Year's day passed the same. Was quite generally a changing of places, a good deal of confusion, and undoubtedly some suffering, but not so

much as was apprehended. Some concluded to hire no negro away from home. The negroes stood out, so the planters gave way and hired at increase of wages. Fewer cases of helpless ones turned out than was anticipated. As soon as the legislature meets, will attempt to compel the county commissioners to provide poor-houses. A bill was introduced but laid on the table. Mr. H. K. Cruikshank, the commissioner appointed by the State, has reported and entered on his duties. Has about given up all hopes of an accession of teachers from northern benevolence. Has tendered the appointment of superintendent of schools to Reverend John B. Taylor, a Baptist minister. If he accepts, will send him over the State to see what he can do. Two men were arrested for disarming negroes. Represented themselves as acting under General Swayne's orders. Has procured a military commission to try them, and convince the people that "disarming negroes" is *robbery*. A writ of *habeas corpus* will be sued out and taken to the President. When served, a special communication will be forwarded for presentation to the officer to whom the prisoners' application is referred. An order assigning veteran reserve officers has been received. They are now much needed. As General Fisk was disposed to make a personal matter of the application of W. T. Clarke, late of the general's staff, it will be better to drop the subject than cause a quarrel in the service. Has received from Colonel Woodhull a memorandum of forty cases of clothing and supplies from R. B. Minturn and other gentlemen of New York city. Has addressed a note to Mr. Minturn, and shall further acknowledge receipt and distribution of the stores. Has received a circular of the American Freedmen's Aid Society, calling for information, indorsed with statement of the hold the society has upon the bureau. Contracts are still being made at rate of \$10 for men and \$8 for women per month. The demand for labor exceeds supply, and the freedmen show preference for northern men. Has received and read the first annual report. Thanks for so much as refers to his action.

MONTGOMERY, ALA., *January 6, 1866.*

SIR: I beg leave to bring to your notice the needs of the destitute people of Randolph county, in this State. The report made by the probate judge of the county shows that fifteen hundred families, embracing more than five thousand persons, are in need of immediate aid.

Randolph county was devoted to the Union, and to keep the people in subjection to the confederacy it was thought necessary to maintain a rebel cavalry force there all through the war. Such a force was kept there up to the time of the general surrender, and the commanders always discriminated in their foraging against the Union people. The fact that a man was away in the service of the United States, or was opposed to the rebellion, was deemed a sufficient warrant for taking the last piece of meat from his smoke-house, and the last ear of corn or bundle of fodder from his barn, leaving his family to starve, or live on the charity of neighbors, frequently but little better off than themselves.

Randolph county furnished nearly five hundred men who actually took up arms in the service of the United States, enlisting in whatever organizations they found convenient, as they made their escape from the rebel conscripting officers into our lines. They were to be found in regiments from Tennessee, Kentucky, Indiana, Illinois, Ohio—in fact, in every command that I visited in a pretty extended range during the war. I found some of my friends and neighbors from Randolph county. Very many of these men never came back. They went out to fight. In every battle they felt that they were fighting, not only for the cause of their country, but directly for their homes and their families, for wives and children left in the hands of relentless enemies, for homes which they might never see again, but which, if they ever did repossess them, they would hold

under the protection of the Union and the general government. They were not men to skulk from danger. Their graves on every battle-field attest their bravery, their patriotism, and their sacrifices. The relief of their suffering families should now be particularly the care of the government.

Besides those who were in arms for the Union, lists were commonly furnished to successive rebel commanders of those who were refugees because of their opposition to the rebellion, and of others suspected of loyalty to the general government, and the property of these men was wantonly destroyed in scores of instances, when it was not even needed for the subsistence of the soldiers stationed in the county.

There are also many poor families of those who were not so fortunate as to escape into our lines, but were driven at the sword's point by conscript officers into the rebel ranks, compelled to risk and often lose their lives in the service of traitors whom they abhorred.

Much destitution also exists among the families of the late rebels, for the soldiery, who had come in the beginning partly at their instance, consumed their substance when the means of the Union people were all exhausted. Like Actæon, they were eaten up by their own dogs. The general destitution has rendered many kindly disposed people unable to do anything for the negroes who were formerly their slaves, and who might be supposed to have some claims upon them for temporary assistance on that account, and there is much suffering among the aged and infirm, the sick and the helpless, of this class of people.

I assure you, sir, that it is a common, an every-day sight in Randolph county, that of women and children, most of whom were formerly in good circumstances, begging for bread from door to door. Meat of any kind has been a stranger to many of their mouths for months. The drought cut off what little crops they hoped to save, and they must have immediate help or perish.

I know that you are doing all in your power to meet the wants of the poor and distressed all over the State. I have written this letter in no spirit of bitterness, with no desire to call up the remembrance of past wrongs, but simply to state the facts which account for the extreme and widespread destitution existing in that particular county. In conclusion allow me to say that I will cheerfully aid you to the fullest extent of my ability, if you think I can be of any service to you in your good work.

I have the honor to be, very respectfully, your obedient servant,

R. T. SMITH.

Brevet Major General WAGER SWAYNE,

Assistant Commissioner, Bureau of Refugees,

Freedmen, and Abandoned Lands.

A true copy :

C. CADLE, JR.,

Brevet Colonel and A. A. G.

SENATE CHAMBER,

Montgomery, Alabama, January 15, 1865.

DEAR SIR : I desire to bring to your notice the condition of a large portion of the people of Coosa county in regard to provisions, and to represent, as nearly as possible, the character and extent of the destitution which prevails. There are several classes of this, to wit :

Old persons, whose decline in years disables them for labor, and who have no relations able to assist them ;

Widows and orphans, made so mostly by the events of the war ;

Persons who were forced, by the danger of losing their lives, to remove during the war within the federal lines, and whose property was mainly destroyed ;

Families, where the head had been engaged in the military service and returned home last summer too late to make a crop.

The extent of this destitution is general. In some portions of the county it is restricted comparatively to a few; in other portions it embraces a majority of persons in the precincts, particularly where there was but little labor to expend in planting, and the season proved unfavorable for maturing even what was planted, in consequence of the destructive drought that prevailed over most of the county. The colored population has much less of destitution to suffer than the white. They generally remained last season with their former owners, and in almost every instance took a portion of the crop, which had been already pitched, a great deal of it, in the best lands. Their portion of the crops has been generally well taken care of, affording many the food necessary for a good part of the year. They have exhibited a praiseworthy concern in the matter of retaining their old or procuring new homes, and very few that cannot get at least their food, clothing, and lodging for their services. The ability to feed themselves has given them the advantage in hiring for the year over white persons, who possessed no means in this respect; and this may be set down as one of the reasons why so many white laborers are unemployed and not furnished with food. Unless it may be about the town of Wetumpka, I do not think there will be much want in Coosa county among the freedmen.

The number of whites cannot be estimated with anything like certainty. Some families have provisions to do them for a longer or shorter period; while many, I am sure, are now absolutely destitute, and are fed for the time by the strained contributions of their neighbors, who are themselves barely able to live. Even this scant supply must cease soon.

I am at some loss as to the best mode of ascertaining the condition in detail of these people, so as to provide for cases that are truly meritorious, and guard against impositions; and, too, as to the best mode of making distribution, so that the needy may receive the liberal and timely assistance of the government. The designation of proper persons in different localities, who, prompted by a humane, honest purpose to carry out in good faith the purposes of this distribution, it seems to me, would be a good plan, under the adoption of such rules as you may deem best to meet the cases of the different classes mentioned in the first part of this communication. I believe that suitable men could be procured in the different convenient localities, and thus relieve the system of supply of much uncertainty; at the same time that it would protect the department against imposition.

As the senator from this county, (of Coosa,) I have submitted this statement, and beg your attention to it, with a view of meeting the conditions of destitution, assuring you of my readiness to aid in so far as I can in carrying out this praiseworthy purpose of the government.

Very respectfully, your obedient servant,

W. GARRETT.

General WAGER SWAYNE.

PROBATE OFFICE,

Talladega, Alabama, October 4, 1865.

GENTLEMEN: You are hereby respectfully requested to inquire into and report to me, on or before the next regular term of the commissioner's court, to be held in this county on the first Monday and the 6th day of November next—

1. The number of indigent families in your district.
2. The number of persons in each family.
3. The extent of their destitution.
4. The estimated amount required for their support per month.

5. State the number of males and females in each family, and their ages.

6. State the cause of their destitution.

I hope you will proceed at once to take the necessary steps to carry into effect the provisions of the foregoing request, as it is of vital importance to the interest of our county and the destitute.

By request of Governor L. E. Parsons.

Respectfully,

WILLIAM H. THORNTON,
Judge of Probate.

JOHN H. HURST and A. B. STRICKLAND, Esqs.

Names.	No. in family.	Extent of destitution.	No. of males and ages.	No. of females and ages.	Am't requir'd per month.	Cause of destitut'n.
Phoebe Clark.....	3	Wholly	2, 6 to 8 .....	.....	\$6 00	Widow.
Mrs. McCleaus.....	3	Wholly .....	.....	.....	4 00	Widow.
Martha Parker.....	6	Wholly .....	.....	6, old'st 10	8 00	Widow.
Catharine Ballard	7	Wholly	5, 3 to 12 .....	.....	10 00	Widow.
E. Carter.....	6	Partly	3, 8 to 17	3, 6 to 16	8 00	Widow.
Katy Clark.....	5	Wholly	2, 4 to 8	2, 3 to 5	8 00	
Esther Rice.....	5	Wholly .....	.....	5, 5 to 12	6 00	
S. Steed.....	5	Wholly	1, 6	3, 10 to 17	6 00	Widow.
Mary Henry.....	4	Wholly	2, 2 to 6	1, 2	5 00	Widow.
Malinda Walker	3	Wholly	1, 6	2, 18	5 00	Widow.
F. Burnett.....	2	Partly	1, 8	1, 35	3 00	Widow.
L. E. Burnett.....	2	Partly .....	.....	2, 24	3 00	Widow.
J. H. Dyer.....	6	Partly	4, 1 to 8	2, 25	8 00	
D. R. Johnstoner	3	Wholly	1, 25	2, 3 to 19	3 00	
Jamima New.....	2	Partly	1, 15	1, 30	3 00	Widow.
Nancy Hearn.....	8	Partly	2, 2 to 14	6, 6 to 16	10 00	Widow.
E. Arnold.....	3	Partly	1, 4	2, 4 to 25	4 00	Widow.
C. Whatly.....	2	Wholly .....	.....	2, 2 to 25	5 00	Widow.
P. Heath.....	4	Wholly	3, 2 to 6	1, 28	7 00	Widow.
R. L. Mason and two widows.	* 8	Partly	1, 70	3,	10 00	
Emily Hufnall.....	† 5	Wholly .....	.....	.....	7 00	Widow.
A. Haynes.....	† 5	Partly .....	.....	.....	6 00	
Aley Ellard.....	§ 3	Wholly .....	.....	.....	5 00	Widow.
Francis Ellard.....	|| 3	Wholly .....	.....	.....	5 00	Widow.
L. Corley.....	¶ 4	.....	.....	.....	5 00	
Martha Davis.....	.....	Partly .....	.....	.....	3 00	Widow.
John Donohon.....	** 2	.....	.....	.....	3 00	
Elizabeth Watts.....	†† 5	Partly .....	.....	.....	5 00	Widow.
E. Shirah.....	†† 5	Partly .....	.....	.....	5 00	Widow.
Sarah Pannell.....	§§ 2	Partly .....	.....	.....	3 00	Widow.
Mary Clark.....	||| 3	Partly .....	.....	.....	4 00	Widow.

* Helpless old man, two widows, and children.

† All under ten years old but one boy, fourteen years.

‡ All girls but the old man and lady; he blind.

§ Old lady; two boys under ten years old.

|| Widow, with two little boys under eight years old.

¶ Old man about seventy years old, little boy, and two girls.

** Old man, helpless, or nearly so, and daughter.

†† Widow, with four children; oldest, fourteen years old.

‡‡ Widow, with children; oldest, about fourteen years old.

§§ Widow, with one little boy, five years old.

||| Widow, with two little children.

We have made out our report as well as we could with the lights before us. After looking round we may be able to find others that are needy, that ought to be reported, and at the proper time we will look after others that may present themselves.

Respectfully, yours, &c.,

JOHN H. HURST.
A. B. STRICKLAND.

W. H. THORNTON.

No. 18.

OFFICE ASSISTANT COMMISSIONER,
Montgomery, Ala., January 16, 1866.

GENERAL: I have the honor to submit the following report of my recent tour to Talladega, Alabama, in which I shall endeavor to lay before you not only

the condition of affairs in Talladega, but also in the adjacent counties of Bibb, Shelby, Jefferson, and Calhoun.

On the 9th instant I received Special Orders No. 7, directing me to proceed to Talladega, Alabama, to ascertain the condition of the freedmen of that section, and to find out the amount of destitution among the whites, and organize, if possible, some systematic way of relieving it. With this object distinctly in view, I started on the evening of the 10th instant for Selma, and on the morning of the 12th instant I took the cars for Talladega. On the cars I met with citizens from different parts of the district I was sent to visit. From them I learned of the general prevalence of destitution in the counties above named. I was convinced, from inquiries made, and from my conversation with these citizens, that the time had come for immediate action, and that supplies ought to be sent to these counties at once for distribution. I then made known to them my business, and invited their earnest co-operation.

As there is no military post in Bibb county, I thought the distribution of supplies must necessarily fall into the hands of reliable citizens. I acted on this supposition, and shaped my course accordingly. Messrs. James Latham and Hughson, of the town of Randolph, Bibb county, were recommended to me as men of high standing in the county, and being old citizens, of large hearts and kind sympathies, they were acquainted with the needy of the county. Both these men I met on my way up, and solicited their help. They promised to aid in the matter, though Mr. Latham, I am sorry to say, will not remain long in the county. Before my return a few citizens held a meeting, and the action of that meeting will be forwarded to this office in a few days. I would suggest that the supplies for this county be sent from Selma to Randolph, making the latter a depot of supply. I requested that the county choose some thoroughly reliable man to act as agent of distribution, and forward his name to this office, with an estimate of the number of rations required for next month.

At Montevallo, Shelby county, is a military post, commanded by Captain H. Reade, 34th regiment New Jersey volunteers, an energetic officer and an excellent man. Captain Reade will take charge of all rations required in his company, and will give his personal attention to their distribution. He will draw his supplies, upon proper returns, from Captain Taylor, of Talladega. Feeling that an officer, whose time is engrossed by other duties and cares, would require the aid of well-disposed and kind-hearted citizens, I arranged with William T. Brown, of Montevallo—a gentleman of intelligence and good reputation in the county—for a meeting of the citizens to determine upon some method of aiding Captain Reade. A meeting was held on Saturday, 13th instant. The annexed resolutions will indicate the method agreed upon.

Captain Reade assured me that Jefferson county was very destitute in certain portions. He has frequent applications for relief from that county. As the direct route to this county lies through Montevallo, I would recommend, if it be found necessary to send supplies there—and I doubt not it will—that they be sent to Captain Reade, to be transferred as necessity may require.

On arriving at Talladega, I first investigated the condition of freedmen affairs. Here I found Captain Taylor, 34th New Jersey volunteers, acting as assistant superintendent. Captain Taylor had been but recently assigned to that position. The frequent changes in the office of assistant superintendent had caused great confusion in the affairs of the office, which, combined with the inexperience of the present occupant and the inefficiency of the surgeon, compelled me to think that little has been done of late either to better the condition of the freedmen or relieve the appalling destitution of the poor whites. Captain Taylor was spoken of in high terms by the commanding general, and will, I think, by the aid of such information as he can gather from orders and circulars published by the assistant commissioner, with instructions directly given to him, make a good officer for the place.

For the tardiness and negligence of the surgeon there is no palliation. I found him without a hospital or any adequate accommodations for the sick. He complained that he had no building or hospital supplies. I am happy to state that while at Talladega supplies arrived sufficient to fit up fifty beds. The next step was to get a building for a hospital. I waited upon the mayor, and endeavored to obtain the co-operation of the city authorities. I requested that the city build a hospital for the accommodation of both white and black. Then I promised, on the part of the assistant commissioner, to furnish hospital and medical supplies, rations, and medical attendance, in part, at least. The mayor assured me that he would urge the acceptance of my proposition by the common council. We shall know the result in a short time. Should this plan fail, a building will be rented or built immediately. I think we may look for a better state of things in future.

There are but a few freedmen at this place—about sixty, who are dependent upon the government for support. They are quite comfortably provided for. By far the greater suffering exists among the whites. Their scanty supplies have been exhausted, and now they look to government alone for support. Some are without homes of any description. This seems strange, and almost unaccountable. Yet, on one road leading to Talladega I visited four families, within fifteen minutes' ride of town, who were living in the woods, with no shelter but pine boughs, and this in mid-winter. Captain Dean, who accompanied me, assured me that upon the other roads leading into town were other families similarly situated. These people have no homes. They were widows, with large families of small children. Other families, as their provisions fail, will wander in for supplies, and I am fearful the result will be a camp of widows and orphans. If possible, it should be prevented; and yet I saw about thirty persons for whom shelter must be provided, or death will speedily follow their present exposure and suffering.

The subjoined report, made by the magistrates of district No. 17, to the probate judge of Talladega county, will show the cause of this widespread destitution. W. H. Thornton, judge of probate, a most excellent man, promised every assistance in relieving this destitution.

Before I returned Captain Taylor received a supply of rations, and will extend his investigations to Calhoun county.

I requested that an estimate of the amount of supplies required for next month be forwarded as soon as it can be correctly ascertained.

Hoping that my action may meet with your approval, I have the honor to be, with much respect, your obedient servant,

C. W. BUCKLEY,

Chaplain 47th Regt. U. S. Col. Inf., Dist. Inspector.

Brevet Major General WAGER SWAYNE,

Assistant Commissioner State of Alabama.

No. 19.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

STATE OF TEXAS, *Galveston, January 31, 1866.*

GENERAL: I have the honor to report that, since the 10th of December last, I have visited the Lower Brazos, Oyster Creek, Old Caney, and Colorado districts. These lands comprise the most productive and influential cotton and sugar-growing sections in the State. They are bottom lands, of exhaustless fertility, and were formerly crowded with slaves.

I found that the planters, under the stimulus of high prices, were desirous of tilling their fields, and anxious to obtain the labor.

The blacks were willing to work, asking only that the fulfilment of the promises made them by the planters should be enforced by the government.

Under these conditions, contracts were freely made with the freedmen on liberal terms, and approved by the bureau. There is a great variety of contracts between them and their employers, and much vagueness in terms.

When money-wages are paid, the rates range from eight to fifteen dollars a month in specie, besides, for the most part, including quarters, food, fuel, medical attendance, and clothing.

In many instances, instead of wages, a portion of the crop, ranging from one-quarter to one-half, according to the special conditions of each case, is pledged to the laborers, and the instances are not unfrequent where, in addition to this high percentage of the expected crop, the planter boards and lodges his workmen gratis.

It is believed that the history of modern times cannot furnish a parallel to the high inducements held out in this State to labor.

As a result, in the more orderly portion of the State, theft, idleness and vagrancy have almost become things of the past. At least nine-tenths of the former slave population of Texas are under contract for a year, and working soberly and steadily in the fields. Of the remaining fraction who still hold aloof, from a deeply grounded want of confidence in the planter's promises, the number is daily dwindling to a handful.

In the whole State, and out of more than four hundred thousand freedmen, only about sixty-seven are now receiving government support.

I am pleased to note, in this connexion, that the power and influence of that class who deny to the black man his rights and liberties, and seek to obtain his services without compensation, is small and growing less. The immense profits realized at present prices, from the production of cotton and sugar, have caused a competition for labor which, in many localities, has become a scramble; and as the amount and quality of work to be obtained from the negro depend very much on the kind of treatment he receives, the self-interest of the landowner combines with the higher and humaner motives that sway the general government, to induce fair and just conduct towards him.

Thus the distrust manifested by the negro towards his former owner, and the antipathy of the planter towards the rise and progress of his recent chattel, are lessening, and the concord between the labor and the capital of the State growing more complete.

To the attainment of this end all my efforts are directed.

From the reports of agents and land-owners, and the statements of the Texas press, it is evident that, during the month of January just closed, there has been more agricultural labor performed, and more ample preparation made for a coming harvest, than ever before during the same time in the State.

This, be it remembered, happens in the first year of free labor here. The labor of the State is, indeed, so inadequate to the demand, that from twenty to fifty thousand additional plantation hands could be at once absorbed. All those who are represented in other departments of the south to be unemployed and starving, could at once find work, bread, and wages on the rich bottoms and fair uplands of Texas.

I can also report that instances of shooting, cruel abuse, and violent assaults upon freedmen are perceptibly on the decline, though still not unfrequent, especially in the less accessible portions of the State; for the wrongs increase just in proportion to their distance from the United States authorities.

No instance of this kind, coming to the attention of this bureau, is permitted to pass without trial and punishment. These cases almost defy any attempt to

record them, and are reckoned by hundreds, ranging from downright murder, savage beatings, merciless whippings, hunting men with trained bloodhounds, through all the lesser degrees of cruelty and crime.

A great moral improvement has been noted in this regard of late, for one legal sentence inflexibly enforced has a moral effect, felt even in distant neighborhoods.

When the people of Texas become familiarized with the idea of law as an irresistible power to which all must bow, and which throws just the same amount of protection over the meanest black as the proudest white, the first great step will have been taken in the direction of a permanent peace. Great delays and difficulties have been met in obtaining officers from the army, and in keeping them when detailed, owing to the muster-out of so many regiments.

For this great State, with a territory as large as New York and all New England, my entire corps of assistants numbers but twenty-five, of whom ten are civilians. Consequently much the larger portion of the State is without an officer or representative of the bureau.

With regard to the sanitary condition of the freedmen, there are great deficiencies. For a full statement of the case, I respectfully refer you to the annexed report of Dr. Mintzer, surgeon-in-chief of the bureau.

Our schools are in a healthy and prosperous condition. Without funds, or a single dollar of pecuniary aid from any source, there are now in operation, sustained by voluntary contributions of the colored people, twenty-six day and evening schools, with an attendance of over sixteen hundred pupils.

The particulars are presented in the report, herewith annexed, of E. M. Wheelock, superintendent of schools for the State.

In that part of your congressional report where Texas matters are presented, this bureau is spoken of as "depending on a small tax upon the approval of contracts for funds to defray expenses."

This is an error. I have never ordered or sanctioned the levying of any such tax, and not a single dollar has ever been paid into the treasury of the bureau from this source.

The tax has been levied; considerable sums gathered; certain parties benefited, and much consequent trouble and opprobrium fallen on the bureau, but the whole affair was conducted by persons acting without warrant or authority from myself.

In my instructions to agents, and in published orders, I have directly forbidden my agents to receive any moneys or charge any fees for the approval of contracts; I have repeatedly and publicly disavowed any connexion with this movement, and have ordered the arrest of persons so engaged whenever found.

I may state that no other occurrence has caused me so much mortification and trouble.

The expenses of the bureau have been paid, thus far, from fines upon those who have wronged the freedmen in his person and in his rights.

I append herewith a statement of all moneys, from whatever source, received to this date into the treasury of the bureau during my administration in Texas.

Very respectfully,

E. M. GREGORY,

Br't Brig. Gen., Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

HOUSTON, TEXAS, *January 31, 1866.*

GENERAL: I have the honor to report that, in obedience to your instructions to inspect the general condition of freedmen on the Lower Brazos and Colorado rivers, comprising the cotton district you visited before Christmas, I respectfully report, that on leaving you on the 10th instant in Washington county, I proceeded to Oyster creek, Brazos and Colorado, visiting upwards of one hundred plantations.

The general health of the freedmen is good, considering the miasmatic influences of these rich river-bottom lands, and the quality of water. As a general rule, the north and west banks of the rivers are most subject to miasmatic influences; the exceptions are, where the banks of the rivers are a protection against the prevailing south wind. There is often a marked difference, within a short distance in length some planters reporting no deaths and but little sickness during the year, while others report as high as 15 and 20 percent. of miasmatic diseases and a proportionable number of deaths. Where bayou and river water is used, the sickness is greater than where the cistern water is made use of. This is considered the most healthy season in these bottoms.

I find that the quarters of the freedmen are indifferent, and the best of them will not compare with the average homes of our northern laborers; the great majority are built of logs, without windows, seldom floored, and with poor roofs, forming a one-room cabin from 16 to 22 feet square, and this frequently overcrowded. Whitewashing and scrubbing are a novelty almost unknown, and the bedding and clothing very indifferent. To correct these evils, I have appealed so the planters' self-interest. To hold and secure free and reliable labor, they must offer at least the healthful comforts of life, and make the freedmen's home attractive. The more intelligent seem to appreciate and are willing to act on the suggestion, while a few say that "it was good enough for the nigger while he was worth \$1,500 to them, and ought to be good enough now, as he has no jingle."

The ration furnished by the planter for the freedman is one of pork and corn-meal, he receiving from $3\frac{1}{2}$ to 4 pounds of the former per week. Extras are generally furnished by the freedman himself.

"The freedmen are working well," is nearly the universal report of the planters. A few say they are doing better work than they did while in slavery. Where the freedmen are not doing so well, there is some dissatisfaction arising from the non-fulfilment of some promise made by the employer.

There is a far greater demand for labor than can be supplied. In Wharton, Richmond, Columbia, Columbus, and other small towns, there is not an idle freedman to be found. The inducements to labor have swept all clean. At Houston the planters have agents or runners employed at from \$3 to \$20 per hand premium. Agents are being sent to other States to secure laborers, and to try to induce negroes to emigrate to this. Colored soldiers are being importuned to promise to hire as soon as they are mustered out of service. Others speak confidently of white labor being imported, but it is from their aversion to render justice to the black man, their former bondman, whom they believed had no rights beyond their sanction—doubted their accountability, or that they had a soul to save. Most of the planters believe that the negro is constitutionally adapted to the raising of southern products—sugar and cotton—and will surpass all competition, and that if Swiss laborers are imported, before five years they will work some of the plantations. But there is room enough for all.

There is more demand for laborers in Texas now than there was before the war. This is owing in part to small capitalists and planters renting large plantations and employing additional laborers. Men here who never owned a slave, now work from forty to fifty hands. These men readily contracted, about Christmas, with first-class hands at the rate of from \$10 to \$12 per month, and

demonstrated the success of free labor. The old line planters, who only a few weeks before had driven off their negroes, endeavored to secure their services by offering greater inducements. They offered part of the crop—first, one-fourth, then one-third, and now one-half—rather than let their plantations remain idle. Their efforts to secure the “lazy nigger,” it was thought by many, would demoralize the freedmen under contract, and unsettle labor. But so far, fortunately, it has failed to do so. Freedmen who at first contracted at low rates, as a general thing, remain true to their obligations. Surprising as it may seem, the ignorant freedman has shown more principle than the selfish white man.

The largest and most intelligent planters whom I have conversed with say that if it had not been for your direct and earnest appeals, they would not have planted this year. They did not believe the free negroes would work or go into contract. The negro had strong prejudices and expected too much from freedom, and feared to contract lest he might thereby resign his liberties. They looked for and wanted the very explanation you rendered. The confidence which the freedmen reposed in you then, and retain now, is to their mutual advantage. Men who would have crucified you three months ago are the warmest friends of the bureau, and shout loudest in its praise. This is a great contrast from the groundless forebodings of a few weeks. The achievement is indeed a great victory.

Very respectfully, your obedient servant,

I. J. W. MINTZER,

Surgeon U. S. V., Surgeon-in-Chief,

Bureau of Ref., Freed'n, and Ab'd Lands, State of Texas.

Brig. Gen. E. M. GREGORY,

Ass't Commissioner, Bureau of Ref., Freed'n, &c., Galveston, Texas.

No. 20.

WAR DEPARTMENT, BUREAU OF REFUGEES,

FREEDMEN, AND ABANDONED LANDS,

Washington, D. C., January 1, 1866.

GENERAL: In accordance with instructions received from you early in October last, as contained in Special Orders No. 84, dated at these headquarters, I have the honor to respectfully submit for your information the following report of my action and observation in the State of Texas:

I passed little more than a month in the State, and during that time used every endeavor to ascertain the true condition of the freedmen; what they were doing to support themselves, and what the citizens of Texas, their former masters, were doing for *them*, under the new order of things.

As it was impossible for me to visit every portion of the State without remaining several months, and as the time allowed for my inspection was limited, I decided, after consultation with various officers on duty at Galveston and Houston, to travel in the eastern portion of the State, on the Trinity river, and between the Trinity and Neches rivers. This section of country is acknowledged by all officers and citizens with whom I conversed, to be the very worst portion of the State, and it was thought that more good could be done on this route than any other. I also visited the extreme western portion of the State, and several points along the coast between Galveston and the mouth of the Rio Grande.

I travelled with an escort of cavalry furnished by Major General Mower, commanding at Houston, and was accompanied as far as Huntsville by Brigadier General E. M. Gregory, assistant commissioner of this bureau for the State of Texas, and Colonel De Grass, provost marshal general of the district commanded by General Mower, and who, in addition to his military duties, has charge of the freedmen, reporting direct to General Gregory.

Ex. Doc. 27—6

At Huntsville General Gregory and myself separated, he swinging to the left and heading towards Mellican, the terminus of the railroad, and I, accompanied by Colonel De Grass, with a portion of the escort, striking out in a due easterly course, crossing the Trinity river at Ryan's ferry. General Gregory and I separated, not on account of any disagreement or misunderstanding, as was reported in New Orleans by a Texas delegation, and telegraphed over the country, but simply for the reason that we believed more good could be accomplished by dividing the column.

At the little villages along our line of march the freedmen were collected together from the surrounding country, and as many of the planters as could be induced to attend, and addressed by General Gregory and myself. We explained to them in as simple and clear a manner as possible their rights, privileges, and responsibilities, and what the government and country expected of them as freedmen. We told them that they were free, and that they could never be slaves again; that they were free to go and come whenever they pleased, and to work for whoever they thought proper, and to control and use their own wages, and that they had the same right to purchase and own land, horses, mules, and farming implements that any white person had; and we advised them that when they had accumulated money enough to buy a piece of land, to invest it in that way. We also advised them to remain at their old homes and hire to their former masters, if they had been kindly treated and could obtain fair compensation for their labor; if not, to look about and make contracts with persons in whom they had confidence, and who would treat them fairly and pay them liberally for their work. We urged upon them the necessity of making contracts for the year 1866, and when once made, that they must observe and fulfil them religiously; and that if any of them broke a contract, through no fault of the employer, they would forfeit their wages or be compelled to carry out their portion of the agreement.

We also disabused their minds of the report that had been circulated very freely among them by corrupt and evil-designing persons, as to a general distribution of the property, and impressed upon their minds the fact that there was to be no division of lands, horses, mules, and farming utensils, on New Year's day; that the lands were owned by the citizens of Texas, and not by the government; that the United States had nothing whatever to give them; that they had been made free by the action of the government, and that in return for this they must show by their industry and perseverance that they were worthy of freedom.

General Gregory is an earnest and very able speaker, and these meetings, which were usually held at night, and conducted by him, in conjunction with religious exercises, I am well satisfied made a lasting impression upon the freedmen, and resulted in much good.

It is not my wish or intention to pass judgment upon the entire State of Texas by what I saw on my inspection tour. I, of course, travelled over but a small portion of the State, and, as I have heretofore remarked, in what is known as the very worst section. In the large cities, such as Galveston, Houston, San Antonio, and Austin, there are many most excellent men—men who are anxious and willing to abide by the laws of the country, and who would use all their influence and energy to promote peace and harmony among the freedmen and whites. I found this to be true in several of the larger cities which I visited; it was particularly the case in Houston. I met as fine gentlemen as I have ever seen, and was treated by them during my visit in the city with the greatest kindness and courtesy. That a majority of these gentlemen were sincere in their expressions, I am thoroughly convinced; that all of them were, I do not believe. All of the cities above referred to are occupied by United States troops, and held under strict military discipline, and the citizens dare not express themselves in an unfriendly manner towards the United States soldiers and the gov-

ernment, even though they felt inclined to do so. In the interior of the State, one or two hundred miles from the prominent cities, away from the influence of federal troops and federal bayonets, at points where our army has never penetrated, and where the citizens have but little fear of arrest and punishment for crimes committed, I assure you there is a fearful state of things. The freedmen are in a worse condition than they ever were as slaves. When they were held in bondage they were, as a rule, treated well; cases of extreme cruelty were very rare; it was for the interest of the master to take care of them, and not to ill treat them. Now it is quite different; they have no interest in them, and seem to take every opportunity to vent their rage and hatred upon the blacks. They are frequently beaten unmercifully, and shot down like wild beasts, without any provocation, followed with hounds, and maltreated in every possible way. It is the same old story of cruelty, only there is more of it in Texas than any southern State that I have visited. I could cite many cases of cruelty that came under my own observation if it were necessary to do so. The planters generally seemed discouraged, and insisted that the system of free labor would never answer; that the negroes were idle and worthless, and showed no disposition to work, and were wandering about the country utterly demoralized, and were plundering and stealing indiscriminately from the citizens.

It was also generally reported by the white people that the freedmen failed wholly to fulfil their contracts, and that when they were needed most to save the cotton crop, they would stop their work and leave them without any cause whatever. After a careful investigation, I do not find these charges against the freedmen to be wholly true.

The entire crop raised in Texas—cotton, corn, sugar, and wheat—was gathered and saved by the 1st of December. Most assuredly no white man in Texas had anything to do with gathering the crops, except perhaps to look on and give orders. Who did the work? The freedmen, I am well convinced, had something to do with it; and yet there is a fierce murmur of complaint against them everywhere that they are lazy and insolent, and that there is no hope for a better condition of affairs unless they can be permitted to resort to the overseer, whip, and hounds.

Two-thirds of the freedmen in the section of country which I travelled over have never received one cent of wages since they were declared free. A few of them were promised something at the end of the year, but instances of prompt payment of wages are very rare. Not one in ten would have received any compensation for the labor performed during the year 1865, had it not been for the rigorous measures resorted to by Colonel De Grass, provost marshal general of the district of Houston, who sends into the interior frequently two hundred miles and arrests the parties who have been guilty of cruelty to the freed people, and where they have violated their contracts with them, compels them to make fair and equitable settlements. Colonel De Grass has a small command of cavalry under his control, and he keeps it in motion constantly through the country, searching for parties who have murdered or maltreated the freedmen. I cannot speak too highly of the course pursued by the colonel. He displays the same earnestness of purpose and fearlessness in the discharge of his duty that he did in the old army of the Tennessee, and although his life has been threatened by the chivalric citizens of the country, yet he is not deterred by their threats from discharging his duty as he understands it. He is a true friend of the black people, and will not see them ill used. I know that some of the lessons which he has taught the citizens in the vicinity of Houston will not soon be forgotten.

I saw freedmen east of the Trinity river who did not know that they were free until I told them. There had been vague rumors circulated among them that they were to be free on Christmas day, and that, on New Year's there was to be a grand division of all the property, and that one-half was to be given to the black people.

The report circulated so extensively among the freedmen with regard to the division of the property on or about the holidays, and which was believed by many of them, was taught them by the citizens during the war.

Public speakers in different portions of the State declared and insisted that the only object the Yankees had in continuing the war was to free the negroes, and that if the southern people were beaten, all the lands and property would be taken from them and given to the blacks, and that the poor whites and rich people alike would be enslaved. It is not strange that the freedmen hearing this matter talked of publicly for four years by men of influence and standing should finally believe there was some truth in it. Nearly all the freedmen I met preferred to wait till after New Year's before making contracts for the year 1866.

In the vicinity of Mounts Jordan and Jasper, on the Neches river and San Augustine, and in all that section of country situated and being between the Neches and Sabine rivers, and as far north as Henderson, I was credibly informed, and firmly believe, that the freedmen are still held in a state of slavery, and are being treated with the most intense cruelty by their former masters; and I am well satisfied that the freedmen will be kept in ignorance of their true status, and will be forced to work without wages in these isolated districts until troops can be sent to occupy, for a time at least, this portion of the State, and till a few wholesome lessons have been administered the natives. The campaign of an army through the eastern part of the State, such as was made by General Sherman, in South Carolina, would improve the temper and generosity of the people.

The most intense hatred is shown by many of the citizens of the country towards northern men, officers, and soldiers of our army, and the United States government. Very many of the confederate officers and soldiers wear their old uniforms, with buttons and insignia of rank, and nearly every man we met in travelling was armed with a knife, seven-shooter, and double-barrelled shot-gun. At hotels and various places where we halted for the night, these gallant cavaliers (who claim that they whipped the Yankees in the last battle of the war, and that they are able to do it every day in the year) would collect in groups, and talk in a tone particularly intended for our ears of the deeds they had performed, and the number of Yankees they had slain, and that if an opportunity ever occurred they were ready and anxious to fight against the United States.

After leaving Huntsville our escort was reduced to twelve men, and a disposition was shown upon one occasion to attack the party, but the Spencer carbines carried by the men rather deterred them from so doing, and we were not molested. We were treated, however, on the road, and in the villages at which we stopped, with the most marked discourtesy and contempt.

I cannot account for the bitter feeling which seems to exist against the soldiers belonging to our army and the government, unless it may be for the reason that they know less about the war, and have seen less of our troops than any other people, and therefore cannot appreciate the power and strength of the government. In other southern States I have been treated with greater courtesy and kindness by officers and soldiers of the confederate army than by any other class of people.

In my judgment there is but little trouble in getting the freedmen to work if the citizens will only treat them with some degree of fairness and honesty, and pay them reasonable wages when they work well, and fulfil *their own* promises and agreements. They have as yet offered no inducements for the freed people to labor. I am not surprised that they have refused to make contracts for the present year; they have universally been treated with bad faith, and few have received any compensation for work performed up to the close of the year 1865. I cannot blame them for hesitating about making contracts which were to bind them for a year, and with no guarantee that they were to be treated better than when they were slaves. They have received thus far for their work, as a class,

curses, blows, poor clothing, and poorer food. There are exceptions. I learned the names of a few planters who had done well by the freedmen, and had paid ten dollars per month in specie for first-class field labor, and the other hands in proportion. But seven out of every ten who have paid wages to the freed people, in the vicinity of Houston, have done so over the point of the bayonet in the office of the provost marshal general, rather than go to jail.

General Gregory assured them that their employers would be forced to pay them every farthing that was justly due, and I have learned that during the month of December many contracts were entered into for the year 1866.

The crop raised and gathered in Texas during the past year is immense, and provisions ought to be very abundant. There is certainly sufficient to feed all classes, white and black, rich and poor, if it could be properly distributed among them.

The great difficulty is, the corn and wheat are all in the hands of the wealthy planters, and the poor white people who do not own land cannot obtain it for love or money. The planters hold on to their corn, expecting there will be a scarcity in the spring, and that it will then command exorbitant prices, and, further, they fear to sell it to their poor neighbors, thinking if they get a few bushels ahead they might possibly hire some of the freedmen. Frequently the poor white people came to us and entreated us to interfere and compel the rich people to sell them corn enough so that their wives and children would not starve. I heard several of them say that they had been in the confederate service through the war, and now that they had lived to get home the wealthy men, who had been instrumental in sending them to the field, would not assist them in distress, nor could they purchase corn for one dollar per bushel in specie to keep their families from perishing.

If the freedmen fail in attaining employment the present year, and if the planters refuse to sell their corn to poor white people at reasonable rates, there will necessarily be great suffering in many portions of the State.

According to the best statistics I have been able to obtain, there were in the State at the beginning of the war about two hundred and seventy-five thousand (275,000) slaves. During the war and prior to its close about one hundred and twenty-five thousand (125,000) were sent there from other southern States, to keep them out of the way of the United States forces and for safe-keeping, making a total of about four hundred thousand (400,000) at the time of the surrender of the confederate armies. The great mass of freedmen were owned and still remain on the rich plantations situated on the Sabine, Neches, Trinity, Brazos, and Colorado rivers, and within a distance of three hundred and fifty (350) and four hundred (400) miles of the Gulf coast. There are few freedmen north of Waco, on the Brazos river, or north of Austin, on the Colorado. A few are to be found as high up as Gonzales and Seguin, on the Guadalupe, but none west of that river.

Western and northwestern Texas is a wild, uncultivated, barren region, and is occupied and held, and has been for years, by Indians. The Comanches committed depredations in November within fifteen or twenty miles of Waco.

Of the one hundred and twenty-five thousand (125,000) freedmen sent to Texas for safe-keeping during the war, from Louisiana, Mississippi, and other States, nearly all of them are anxious to return to their old homes, or, at all events, to get out of Texas. Thousands of this number have already returned, and there is a constant stream pouring through the interior of the State in an easterly direction, heading towards Louisiana. The route usually taken by these people is the old San Antonio road leading from Bastrop, on the Colorado, through Caldwell, Madison, Crockett, and from thence running a little north of east to Millan, on the Sabine river, near the Louisiana line. This road is famous as being the first and best route across Texas, and all the refugees get on to this road as soon as possible.

I found General Gregory stationed at Galveston, and am satisfied that he is doing everything in his power to regulate the system of labor throughout the State. He has labored with the most untiring industry since he has been in Texas to settle difficulties between whites and freedmen satisfactorily and justly, and has passed a great deal of his time in travelling through the country correcting abuses, and explaining to the freedmen their true status, and what was expected of them by the government. He understands your views and policy well, and will carry out your wishes to the best of his ability and against all opposition.

I do not think it possible for a man to hold General Gregory's position in Texas—do justice to the freedmen and be popular with the people. The general has been peculiarly unfortunate in not being able to obtain officers to assist him in the work. He is almost entirely alone, having only six or seven subordinates, who are all stationed at the larger cities.

In order to correct abuses and regulate the labor system thoroughly throughout the country General Gregory should have fifty (50) good officers to assist; and if these could be placed on duty at the principal villages in the interior, for three hundred and fifty (350) miles north of the coast, and a small force of troops sent with each assistant to enforce law and order, it would be but a short time before a decided improvement would be observed.

It is the opinion of every staunch Union man with whom I conversed, and with nearly every officer on duty in the State, that if the United States troops were removed from Texas no northern man, nor any person who had ever expressed any love for northern institutions or for the government of the United States, could remain with safety, and the condition of the freed people would be worse beyond comparison than it was before the war and when they were held in bondage.

I have the honor, general, to remain, very respectfully, your obedient servant,

WILLIAM E. STRONG,
*Inspector General, Bureau of Refugees,
Freedmen, and Abandoned Lands.*

Major General O. O. HOWARD,
Commissioner of Bureau of Refugees, Freedmen, &c.

No. 21.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,
Augusta, Georgia, December 26, 1865.

GENERAL: I have the honor to call your attention to the fact that the legislature of the State of Georgia has passed a law giving the freedmen the right to testify in all cases in which they are parties interested.

This withdraws from the officers of this bureau the right to adjudicate in cases where negroes are parties interested, which was conferred by paragraph 7, circular 5, from your office.

But for the fortunate passage of the resolution by the late State convention, empowering me to appoint citizen agents of the bureau, I should be powerless longer to interfere in behalf of the freedmen.

As it is, my citizen agents, being duly constituted civil officers of this State, having been appointed by virtue of the resolution above mentioned, are still able to act, and their decisions are legal and binding.

I have no doubt the passage of the act admitting the testimony of negroes in the courts of this State will be followed by a demand upon the President to

withdraw martial law from the State and turn over all offenders to the civil courts for trial; such a proceeding would, in my opinion, be exceedingly unwise and in the highest degree prejudicial to the best interests of the State, and especially of the freed people. I have no hope or belief whatever that justice would be done the freed people by the civil authorities, in the present temper of the people of this State. An improvement, however, in the disposition and tone of the people is observable, and sooner or later, with kind and skilful management on the part of officers of the bureau, the administration of justice may be safely left with them.

I am, very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Volunteers and Acting Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner of Bureau of Refugees, &c., Washington, D. C.

ALBANY, GA., December 29, 1865.

GENERAL: I have the honor to state that I arrived at this place last evening. I am happy to be able to report that the freed people in this vicinity are showing great willingness to make contracts for the next year, and that within the last few days quite a large number of contracts have been made at rates varying from twelve to fifteen dollars per month, board and lodging, for full male hands.

It requires no little effort to raise wages to a just and reasonable price, but I am having very satisfactory success. The best interests of the country require that the laborers shall be well paid and kindly treated, and then that they shall labor industriously and faithfully. I am trying to secure these conditions.

I have read General Grant's recent report very carefully, and particularly that portion of it referring to the bureau; I also notice in the papers an article stating that your orders and all military matters are under the control of the department commanders, and that assistant commissioners are required to keep department commanders informed of all they are doing, and obtain their approval to the instructions and orders issued by them. I take it for granted that this is to some degree a mistake; it is not only proper, but necessary, that the assistant commissioners should keep the department commanders informed of all they are or intend doing, that they furnish them with copies of all their orders, circulars, &c., and that they abstain from any interference whatever with military matters, which are of course solely under the control of the department commander; but if assistant commissioners must secure the approval by the department commander of all their instructions or orders, then you lose all the advantage which you have gained by selecting officers who have some fitness for the duties to which they are assigned, and leave assistant commissioners simply the power to record the will of the department commander, who may or may not be competent to deal with the intricate and delicate questions the bureau is expected to solve. You deprive officers of the bureau of all real authority, and with it the little respect heretofore shown their orders, and make it possible for the people to evade the requirements of the bureau by skilfully flattering military commanders, a majority of whom, experience justifies me in saying, regard the bureau and the negro with indifference or contempt. They may know how to make war, but they may not know how to make peace, and may have none of that good temper and delicate tact and skill required in dealing with the people in their present condition so as to produce the results desired by the government.

If General Grant's suggestion is to be adopted, and all officers on duty in the

south are to be indiscriminately regarded as officers of the bureau, then, as the past has shown, very many of them will be found simply able to play the part of the "bull in the china shop," and will be found utterly wanting in that proper knowledge and thoughtful discretion which is quite as necessary as the disposition to obey orders.

It seems to me that the only way General Grant's suggestion can be carried into effect without producing mischievous consequences will be, to select the department commanders, with reference to their fitness, as representatives of the bureau in their respective States, and let them, in addition to their other duties, act as assistant commissioners; in this way perfect unity of action can be secured, and all possibility of clashing of authority prevented.

I learn by recent orders that the number of troops in Georgia, Alabama, and Mississippi are to be reduced to 7,000 men; this will leave but about 2,000 in this State, and their duties will consist almost wholly in aiding officers of the bureau to enforce its requirements.

It may not be modest to make the suggestion, but it seems to me, under the circumstances, that in case General Steedman is not to return, General Grant would be willing to intrust the command of the few troops left in the State with me. I have some reason for thinking this would not be unsatisfactory to General George H. Thomas and the President. I should still be as thoroughly as before your officer, should have *the power which commands respect*, and should be able to control to a greater extent than ever the means of securing the results which the government desire.

This change would impose additional labors, which, however, I should be quite willing to accept, for the sake of securing the successful working of the bureau.

It is painful to feel that the plans I have arranged, and the promises I have made to the people of this State, may hereafter be set aside or ignored by some department commander, who may or may not have even the little capacity which I possess of managing such matters satisfactorily.

It would be to the very last degree humiliating to be placed in a position where I shall have seemed to have used authority with which I was not clothed, and to have made promises I had not the power to keep.

I am, general, very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Volunteers and Acting Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c., Washington, D. C.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,

Augusta, Georgia, January 9, 1866.

GENERAL: I have the honor to announce, with great satisfaction, that contracts are being very rapidly made throughout this State and at good prices, ranging from ten to fifteen dollars per month. The almost painful anxiety I have had as to the future of the freed people in this State is entirely relieved and removed. There is now no probability whatever of any considerable suffering among them. The way before me is clear. I can provide all the able-bodied freed people, young and old, with employment, good homes, good compensation, and a promise of kind treatment. The demand for labor and the price paid for

it are increasing every day. I am almost overwhelmed by applications for laborers.

The announcement of a definite policy which proposed to do everything right and proper, not inconsistent with the freedom of the colored people, to make labor reliable and profitable, has worked a revolution in the convictions, feelings, and intentions of the people, white and black. To-day both races are hopeful for the future. The freed people are especially pleased that, by the direct efforts of the bureau, their wages have been raised from the miserable pittance of from two to seven dollars per month, and from one-twentieth or one-tenth of the crop, to from ten to fifteen dollars per month, and from one-third the gross to one-half the net crop.

There was danger, of course, that, in interfering with the delicate subject of wages, however worthy my intentions, I might do mischief rather than good; but it has passed, and the result shows the wisdom of the course pursued. I am profoundly grateful that my labors have been, so far, blessed with success. I begin to feel the pleasure that one has in knowing that he has benefited others.

The bureau in this State is an extensive intelligence office, finding homes for freed people and laborers for employers. I have been, to a limited extent, giving transportation to freed people going to the valley of the Mississippi, where they are getting excellent wages; but I have stopped sending freed people out of the State. I cannot only take care of all I have, but can very likely provide for those you may have to spare in other States.

I am, very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Volunteers and Acting Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c., Washington, D. C.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,

Augusta, Georgia, January 13, 1866.

GENERAL: I have the honor to forward herewith copies of letters from Major Hastings, A. S. A. Commissioner, at Albany, Georgia, and one of my citizen agents, for your information.

Very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Volunteers and Acting Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau of Refugees, &c., Washington D. C.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE A. S. A. COMMISSIONER,

Albany, Georgia, January 7, 1866.

DEAR SIR: I have just returned from Decatur and Mitchell counties. I find that in Decatur county the freedmen have contracted and gone to work. Their former masters are much encouraged, and think they will do well.

In Mitchell county the freedmen have nearly all left, and I cannot blame them. The white people in that county are as poor as the black. In Baker county there is a great call for laborers; they are some four hundred or five hundred short. Also in this county (Dougherty) there is a great call for laborers. If you can send me from three hundred to five hundred hands, I can get them good homes and good wages.

I have engaged two plantations for your Wilkes county freedmen, and am very anxious to hear from you soon whether they are coming or not. If they come they had better bring all the mules they can; also send as many workers as you can. I shall visit the counties west of here as soon as possible. The planters in this part of the State are in high spirits. They say the freedmen really act as though they were going to work.

Very respectfully, sir, your obedient servant,

G. A. HASTINGS,

Major 12th Maine Vol. Inf., A. S. A. Commissioner.

General TILLSON.

Official :

W. W. DEANE,

Captain and Assistant Adjutant General.

Memorandum of Major Hastings's letter to General Tillson.

Has just returned from Decatur and Mitchell counties. In Decatur county the freedmen have contracted and gone to work, and their former masters are much encouraged and think they will do well. In Mitchell county the freedmen have nearly all left; cannot blame them; the white people in that county are as poor as the black. In Baker and Dougherty counties there is a great call for laborers, and he can provide homes and good wages for from three hundred to five hundred hands. Has engaged two plantations for the Wilkes county freedmen, and he is very anxious to hear whether they are coming or not. The planters are in high spirits, and they say the freedmen really act as though they were going to work.

OFFICE BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
GREENE COUNTY, GA., *Woodville, January 8, 1866.*

GENERAL: From the fact of my residing centrally, and in two miles of the Oglethorpe county line, besides, in connexion with the further fact of having been recommended by citizens (members to the State convention) from both Greene and Oglethorpe counties for the appointment as agent in both counties, for the mutual convenience of the citizens of each, whilst declining to appoint a commission to include both counties, I was, however, instructed to attend to and transact any and all business brought before me from either. Acting under these instructions I have approved quite a number of contracts presented by citizens of Oglethorpe county, which I purpose keeping and returning distinctly and separately from the business of this county, to the end that no confusion may arise.

For the last three weeks I have bent every energy and given my whole time to advancing the general interest of the freedmen within my jurisdiction and the surrounding section. At first I met with much opposition, and with but little encouragement from either white or black. The negro seemed resolved and obstinate, and the white indifferent and careless, and full of evil forebodings; and underlying both classes there seemed to pervade a general and mutual distrust, but little good feeling between the employer and the employed. My task was uninviting; I thought not hopeless. I went to work. In many places, wherever I could find or get a crowd of the freedmen together, I made it in every instance convenient to give them a "*little talk*." In a short time I was thoroughly crowded out with them. They came for miles around to see and hear for themselves. They always went away, if not rejoicing, at

least better informed. I dealt mildly yet firmly with them. I never deceived one, and they all soon learned to believe me, and I do not know of a single instance where one has failed to conform to any official order given him in my jurisdiction. I have had but few complaints, only three or four to punish for theft, &c. The result of my (I must say) energy, I am gratified to know, is apparent. Nearly all have made contracts and have homes for the present year, the general exception being confined mainly to the unfortunate classes of women, children, the aged, decrepit, and orphans. These classes necessarily are now and will continue to be great sources of solicitude and trouble.

The freedmen have been diligently and zealously employed getting homes and making contracts throughout Christmas, and even before, and within the limits of the districts comprising my jurisdiction in this county. I must confess that my most sanguine expectations have been greatly exceeded. All who wanted laborers are generally supplied, and nearly all the freedmen, with the exception of the classes above referred to, have obtained homes and work. Peace and quiet have pre-eminently been the order of the day. The freedmen throughout the holidays have behaved better, been more orderly, sober, and quiet than ever before recollected. This is the general remark and conclusion of every one; and nearly every *farmer* in this section enters upon the new year more cheerful and hopeful than he anticipated. On our large farms generally the contracts are made for part of the crops produced, say from one-quarter to one-half—one-third being the most usual wages. In most instances the laborers appear to be pleased and contented. I will further advise you as things develop themselves.

Pardon this long communication. The cheering information contained is presented as an apology.

In great haste, respectfully,

JAMES DAVISON,

Agent Bureau of Refugees, Freedmen, and Abandoned Lands.

Official:

W. W. DEANE, *Captain and A. A. G.*

Memorandum of letter from James Davison, agent, &c., to General Tillson.

Was instructed to attend to and transact all business brought before him from either Greene or Oglethorpe counties; has approved a number of contracts presented by citizens of Oglethorpe county, which he purposes to keep separately from the business of Greene county, to the end that no confusion may arise. For the last three weeks has bent every energy and given his whole time to advancing the general interest of freedmen in his jurisdiction; at first met with opposition, and very little encouragement from either white or black; the negro seemed resolved and obstinate, and the white careless and indifferent and full of evil forebodings, and a mutual distrust, with but little good feeling, existed between the employer and employed. He went to work, and wherever he could find or get a crowd of freedmen together, gave them a "little talk," and the result is, nearly all have made contracts and have homes for the present year, except the unfortunate classes of women, children, the aged, decrepit, and orphans. All who wanted laborers are generally supplied, and nearly all the freedmen have obtained homes and work. The freedmen, throughout the holidays, have behaved better, been more orderly, sober, and quiet than ever before recollected. This is the general remark and conclusion of every one, and nearly every farmer in his section enters upon the new year more cheerful and hopeful than he anticipated. The contracts on the large farms generally are made for part of the crops—from one-fourth to one-half, one-third being the usual rate—and the freedmen in most instances appear pleased and contented.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,

Augusta, Georgia, January 17, 1866.

GENERAL: I have the honor to acknowledge the receipt of your telegram of yesterday, in answer to my own of the 13th instant.

A careful reading of paragraph 3, of circular 5, from this office, will, I think, show that the rights of all the freed people are sufficiently guarded. The only persons who can by a compulsory process be hired out are those who, in the eye of the law, are vagrants, and even they cannot be thus hired out unless good wages are paid; and in a previous portion of the same circular, paragraph 2, I have stated what are good wages.

Either this must be done or those persons must be fed in idleness by the bureau, live by stealing or practicing some other vice, suffer or starve, or be turned over to the tender mercies of the civil authorities, to be dealt with according to the vagrant law of this State, which gives a white man not less than two nor more than four years' imprisonment for this offence. Can you wonder that the delegates to the freedmen's convention, recently in session in this city, when the question was placed before them fairly, fully, and frankly, should enthusiastically sustain the order? I told the convention that you and other of their friends were fearful that advantage might be taken of it to their injury, and admitted to them that possibly this might be done. Captain Bryant and others, the Rev. — Edes, of Boston, were present, and will bear testimony to the fact that I presented the question fairly; that I told the convention the whole truth, and then appealed to the members to express their real opinion; not to be influenced by my opinion or presence, but to act in accordance with their own conviction; that they were men selected to represent the interests of the race, and that it was their duty to do it, without fear or favor; and that if being here, and knowing the facts as I knew them, they thought the order right, to say so; if not, and they thought I was mistaken, to say that. And after I had said this and explained the whole matter, Chaplain Turner (colored) rose and read a resolution, drawn up by himself, indorsing the policy of the bureau in the State, and pledging the support of the intelligent colored people. Bradley, the colored lawyer released on parole by the Secretary of War from Fort Pulaski, was present and disposed to do mischief, but the convention had the good sense to vote him down by an overwhelming majority.

The convention seemed to realize fully the vast importance to their race of their making a good record on the labor question this year. They manfully admitted all the facts. They said they knew that there were many of their own race who would not work for fair wages, and who would be a burden upon them and injure the future of the race, and they were not only willing, but anxious, that such persons should be compelled to work, and not be allowed to bring disgrace upon them, and furnish arguments to their enemies to prove that they would not work except under the lash. I came away from the convention with more and better hopes of this people than I ever had before. These men had the courage and the pluck to admit the facts and the truth, which can only be injurious to those who are in the wrong.

I did not issue the order referred to until after I had labored earnestly for nearly three months to convince these people of the necessity of making contracts at fair prices whenever they could not otherwise provide for themselves, and with little or no good result. They would admit the truth of what I said, would promise to follow my advice, but did not do it. I waited until it was evident that something must be done beside talk, and then issued the order. It has worked like a charm. Doubtless advantage has been taken of it to misrepresent the fact and drive freed people into making improper and unjust contracts; but all such contracts are null and void on account of this fraud, and as fast as I can reach them I can set them aside. So far no contracts have been

finally approved which do not come up to the standard laid down in paragraph 2, circular 5.

In the mean time, on account of the vigorous and just policy of the bureau, the price of labor is increasing. I could only countermand the order by your direction, so stated, otherwise it would seem like a trick on my part and injure my usefulness. The order was very popular in the State, and consequently to countermand it in this manner would have made you and the bureau very unpopular.

Now that the order has done its work, induced the freed people to find homes, and prevented great suffering, I can counteract any of the bad effects you evidently fear by issuing the enclosed order.

Hoping that my explanation and the course pursued may meet your approval, I am, general, very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Vols. and Acting Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c., Washington, D. C.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,
Augusta, Georgia, January 19, 1866.

GENTLEMEN: Your communication of 13th instant has been received. Your attention is invited to that portion of paragraph 2, circular No. 4, from this office, which states that agents are directed to disapprove all contracts which do not give the freed people "fair and reasonable compensation for their labor."

Your attention is further invited to the fact that paragraph 2, circular No. 5, from this office, makes a distinction between southwest Georgia and the upper and middle counties. I have made the most careful investigation on the subject of wages, and have in my possession a mass of information, collected throughout different parts of the State. I can demonstrate, to the satisfaction of any man, that the wages mentioned in circular No. 5 are moderate and reasonable; for instance, Mr. Z. H. Clark, of Oglethorpe county, came here yesterday to convince me that he could not pay these wages; and, taking his own figures, paying able-bodied men twelve dollars per month, he would make a net profit out of each hand of one hundred and sixty-three dollars.

Labor is worth, in the open market in this State, more than is mentioned in paragraph 2, circular No. 5, and thousands of laborers can be furnished employment at those and higher rates.

Under these circumstances, and the fact that the rates of wages paid for labor, for instance, in the county of Wilkes, for the past ten years, average upwards of ninety dollars, (\$90,) with everything found, and the parties hiring the slaves taking all risks of lost time by sickness, idleness, or running away; the further fact that, with the present prices at which the freedman must purchase for himself and family all the necessities of life, the compensation given him in your contracts will not afford him a living, I am compelled to disapprove them.

I have stated everywhere, and under all circumstances, that all efforts of the bureau to compel the freed people to comply with their contracts must be preceded by good wages and kind treatment.

No agent of this bureau in this State will be allowed to interfere to enforce contracts which shall not be approved at this office. It ought to be evident to all the people that this attempt to take advantage of the ignorance of the freed people, even with their own consent, to hire them for a sum which will not afford them a living, and practically re-enslaves them, is simply giving a premium to insure a failure of the free-labor system.

If the people of your county think they cannot afford to give good wages in money, then let them give a portion of the crops; and, if the county is as poor as you state, then the portion of the crop ought to be large, in order to afford the laborers reasonable compensation. The portion of the crop mentioned in paragraph 2, circular No. 5, or one-quarter of the gross proceeds, the employer paying all expenses and finding the hands, will be deemed just and equitable at this office—the latter proposition, the one made by Mr. Clark, of Oglethorpe county.

Respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. Vols. and Acting Ass't Commissioner.

Messrs. JAMES R. LYLE and

JOHN CALVIN JOHNSON,

Athens and Watkinsville, Georgia.

Copy respectfully furnished for information of Major General Howard, commissioner.

DAVIS TILLSON,

Brig. Gen. Vols. and Acting Ass't Commissioner.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING SUB-ASSISTANT COMMISSIONER,

Albany, Georgia, January 22, 1866.

GENERAL: I take the liberty of informing you that the freed people of this county have, with but few exceptions, made contracts to work for this year, and have gone to work as they should do. They seem to be satisfied and happy, and the planters are generally in high spirits, thinking there is a probability, at least, of making a good crop. I have little doubt myself from all that I can see, (and I have been on many plantations,) but that freed labor will succeed well in this county, particularly where planters act with proper discretion. The contracts you will see for yourself. The planters are paying from five (5) to twenty (20) dollars per month, according to the class of laborers. There is a great demand for labor now, and I can find *homes for one thousand in three days in this county, at faom \$12 to \$15 per month for men, and from \$5 to \$10 per month for women.*

I am, general, very, respectfully your obedient servant,

FRANCIS A. BILLINGSLEA,

Agent Bureau of Refugees, Freedmen and Abandoned Lands,

Dougherty county, Georgia.

Brigadier General D. TILLSON,

Acting Assistant Commissioner, Bureau Refugees,

Freedmen and Abandoned Lands, Augusta, Georgia.

Official copy, forwarded for information of Major General Howard, commissioner.

DAVIS TILLSON,

Brig. Gen. Vols. and Acting Ass't Commissioner.

P. S.—Mr. Billingslea is a citizen agent. It will be noticed that the facts stated by him prove conclusively that I did right by insisting upon the wages mentioned in my circular 5, yet the people of southwestern Georgia declared at first that they could not and would not pay these wages, and began making contracts at \$8 to \$10 per month.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,
Augusta, Georgia, January 23, 1866.

DEAR GENERAL: A friend has called my attention to the enclosed article. Let me tell you that the impression sought to be conveyed is totally untrue and unjust to the freed people, and the statement that the rates of labor are "fully one hundred per cent. too great, that being the amount of advance on former wages," is simply an *unblushing falsehood*, which the writer must have known if he knew anything about the subject; and if he did not, he had no business speaking of it. I have in my possession overwhelming proof that the rates suggested in my circular, and which were obtained from intelligent planters in this State, are too low rather than too high. All southwest Georgia has already contracted at these rates, and the State is being ransacked for laborers, to whom even much higher wages are being offered, and the tendency is still upward. Any policy is to be judged by its results, and by this criterion I am right, and the correspondent of the *Intelligencer* is very *wrong*.

The fact is becoming more and more evident that hereafter labor and not cotton is to be king. Please mark the prediction. If the government will only continue to stand by the freed people in their *just rights simply*, then, by the operation of laws infinitely more potential and certain in their execution than those of Congress, the negro is to be master of the situation, and those who in times past practiced cruelty upon him, or who now hate, despise, and defame him, are to be a financially ruined people. To-day the men who have been cruel to their slaves cannot hire freed people to work for them at *any price*. Fortunes in the future are for those only whom the freed people can trust and for whom they will work—not for the proud and haughty owner of land merely. Land, good land, will be plenty, a drug in the market; labor will be the difficult thing to obtain, and the friends of the freed people, especially the northern man, can alone command it. *Entre nous*, I think I see the end, and I predict that Providence is not done dealing with this people. I believe their hate, cruelty, and malice are yet to bear more and very bitter fruit, and that by natural and irresistible laws the old-time southerner is to become entirely harmless in his impotent rage, or extinct. But we shall see.

Pray keep the President posted, and do not let him be deceived by these *selfish* falsehoods about the price of labor. I can prove that I am right, out of the mouths of the best men in this State. Not to sustain my action will do me no harm. I could simply resign, as I should feel it my duty to do. If the government is to be disgraced, some other instrument must be found; but it would do immense mischief to the freed people.

Just as I was finishing this letter Lieutenant Pratt returned from Washington, Wilkes county. I enclose his report. In explanation, I call your attention to the enclosed slip, cut from the *Loyal Georgian*.

I am yours, very truly,

DAVIS TILLSON

Brig. Gen. Vols., Acting Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau R. F. and A. L., Washington, D. C.

We learn that reports reached General Tillson's office a few days since that falsehoods were being circulated in Wilkes county respecting the intentions and purposes of the Freedmen's Bureau, in consequence of which freed people had been induced to make contracts which did not give them reasonable compensation for their labor, ranging from \$3 to \$8 per month. It was stated that they were sent by the bureau to Mississippi and southwestern Georgia, were sold into slavery, and that the women were drowned; that the bureau had an interest

in southwestern Georgia, and therefore desired to send laborers to that portion of the State.

Upon receiving undeniable proof that such stories were being circulated to deceive the freed people, General Tillson sent Lieutenant Pratt with a squad of soldiers to Washington, Wilkes county, to make known the fact that all contracts made in pursuance of such misrepresentation were null and void.

Reports have been received from Lieutenant Pratt that the planters of Wilkes county are coming in from all directions to re-contract with their laborers, and are now willing to give them reasonable pay. They further acknowledge that the prices at which they had contracted with the freed people were inadequate and unjust.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,
Augusta, Georgia, January 23, 1866.

GENERAL: I have the honor to report my return from Washington, Wilkes county, Georgia, whither I had gone, pursuant to Special Orders No. 13, from this office, for the purpose of procuring homes for such freed people who had no employment, and correcting misrepresentations which had been circulated in regard to the objects and purposes of the bureau.

On my arrival at Washington I notified the planters and others that all contracts made with the freedmen which did not allow them reasonable compensation for their labor were null and void, and that the freedmen would not be allowed to work for less wages than the prices laid down in circular 5. I found most of the planters willing to re-contract, and pay from \$12 to \$15 per month, board and lodging, or give a share in the crops equivalent to these prices. Several planters came to me and stated that they had advised their neighbors to pay their freedmen better wages. They are anxious to keep all the freedmen on their plantations, and are willing to pay a better compensation than planters in other sections. I sent word to Dr. Pope, a planter living within three (3) miles of Washington, who had contracted with eleven (11) freedmen at the rate of \$6, \$7, and \$9 per month, that his contract would be disapproved. He immediately came to see me, and said he would pay his men \$150 a year, or would give them a share of the crops, and if the crops did not yield enough to allow them \$150 he would bind himself to pay in money the balance to make up the \$150.

Good people in this country say that freedmen are doing well, and that the planters should pay them well for their labor, which I find they are willing to do rather than have the freedmen leave. I find that the whites of this county are disposed to do what is right by the freedmen, and the freedmen are willing and say they will work hard for any white man, and all they ask is fair and reasonable wages for their labor.

Several persons requested me to say to General Tillson that they regret that reports are in circulation that negroes have been taken to Cuba and sold, and that the white people desire that the unemployed freedmen should be arrested and bound out for food and clothing. They also say that you are doing well by the negroes, and that they are deserving of every possible encouragement, and that they promise to promote the interests of the freedmen.

I am, general, respectfully, your obedient servant,

GEORGE H. PRATT,

Lieutenant 13th Conn. Batt. and Ass't in Office.

DAVIS TILLSON,

Brig. Gen. Vols. and A. A. Com., State of Georgia, Augusta, Ga.

Official:

W. W. DEANE,

Captain and Assistant Adjutant General.

Letter from Georgia.

CRIMES BY THE FREEDMEN.—UNJUST DISCRIMINATIONS.—WAGES.—THE FREEDMEN CODE OF GEORGIA COMPLETED.—SYNOPSIS THEREOF.—NEGRO TROOPS.—NATIONAL BANK OF AUGUSTA.—GREAT MORTALITY OF BLACKS.—REPEAL NEEDED.—A FREEDMEN'S CONVENTION.

AUGUSTA, GEORGIA, *January 6, 1866.*

Editors of the National Intelligencer of the 13th instant:

The Christmas holidays have happily passed over without any such organized outbreak on the part of the black population as was at one time very seriously feared, though there have been no few individual cases of crime; some of very peculiar atrocity. Thus, on Christmas eve, that time when, of all others, it would seem as though the passions of men might respect the holy tide, a very estimable young man, residing some few miles from the city, was most brutally murdered. With such business-like malice was the deed perpetrated that it has been fully established the assassin or assassins went from this place with a wagon to the store where their victim traded and slept, and, after committing murder, deliberately loaded the vehicle with the murdered man's goods, not even forgetting to steal his clothes and the bedding of the couch from which, in the dead of night, he rose only to meet a death the bullets of four years' war had failed to inflict. About the same time, in this city, a gang of negro troops assaulted a house occupied by some Irishmen, who stood stoutly on the defence, and nothing but the interposition of a strong guard prevented the quarrel being pushed to a bloody conclusion, either party receiving strong re-enforcements after the first repulse of the blacks. Some weeks after these occurrences a very aggravated outrage, of a similar nature to the latter, was attempted by another crew of negro soldiers, aided by some debauched country blacks. Accounts of this affair—an attack upon the house of a widow lady, near the city, who at the time had several young ladies staying with her—have doubtless reached you, and a mere summary thereof is all that will, therefore, be given. Two young gentlemen, who acted with a most dauntless gallantry, kept the mob some time at bay, killing four and mortally wounding two, though, in the end, they were reduced to the greatest extremities, and would beyond doubt have been murdered, and their helpless female charges delivered over to brutality, had it not been for the timely arrival of an officer with troops. From twenty-five to thirty negroes, the soldiers who instigated and led on the assault being about half that number, were engaged in this affair, and all surviving were arrested, though, to speak plainly, it is not believed they will be at all adequately punished. Some month or so since, it will be remembered, a very worthy physician in a neighboring county was murdered, and his assassin, who avowed openly the crime, arrested and consigned to the jail in this city. It is now charged by a paper here, and no denial has been made apparent, that this negro was lately released from confinement, and seen upon the streets at liberty. *Per contra*, there are now in the same jail two young white men charged before and convicted by a court-martial of having killed a negro woman in the interior part of the State. Lying under sentence of death, these men were yesterday to have been hanged but a reprieve has been obtained to lay new testimony before the President. Now, while the sentiment here is that those offending the law should suffer under the law, it is undeniable that the severity, and perhaps a just severity, in the case of white men is thought to very illy contrast with the lenity shown to blacks. This impression of a very gross injustice is deeply rooted here, and as, in various ways, Augusta largely gives the tone to the State, it may safely be said that that impression is the greatest obstacle here existing to a hearty and a very general support of the federal Executive.

But, not to dwell on this particular view, something further on the general subject of the blacks may be of interest, before passing to other topics. Some dissatisfaction in the article of wages exists with a late circular issued, just prior to Christmas, from the headquarters of the Freedmen's Bureau in this State. This circular, while not expressly commanding any schedule of wages, suggests a tariff in such manner as, to the minds of the freed people, will doubtless be taken as equivalent to an order to that effect. These suggestions mentioned from \$180 to \$156 per annum for males, and from \$96 to \$120 for females, according to the scene of labor, the southwestern portion of the State ranking higher; food and lodging, in all cases, superadded. Now, it is claimed that these rates are fully one hundred per cent. too great, that being the amount of advance on former wages, when the full labor of each hand could be secured. Should contracts not be made voluntarily by the 10th of this present month, it is further declared that freed people will have such arrangements made for them, in case ability otherwise to support themselves cannot be made apparent. While on this subject, it is curious to remark how men of every class here, civilian or official, and of every diversity of opinion on other matters regarding the blacks, unite in considering it a necessity they should be enforced to make contracts. The bureau circulars on the topic always take this view, and the matter is viewed from the same stand-point by the State law commission.

This commission, appointed under a resolution of the late reorganization convention to prepare and report to the general assembly a system of laws to meet the legal exigencies resultant from emancipation, concluded their labors on the 19th of last month, and the report which embodies the conclusions arrived at is now in print. As it is highly probable the legislature at its approaching session will, with perhaps some few emendations, adopt this report, a synopsis thereof will be essayed. The report, then, consists of fourteen articles, made up of one hundred and fifty-four sections. Article first repeals the slave and free negro codes, defines *free persons of color*, and declares "such persons shall have the right to acquire, own, and dispose of property, to enjoy the fruits of their labor, to make contracts, to sue and be sued, to receive and transmit property by inheritance," and "to receive protection in their persons and property." There being already a law as to the testimony of such persons, the provisions of the report thereon are, as supererogatory, not given. Article second provides for the organization, procedure, &c., of a county court in each county, to hold daily sessions; jurisdiction, \$100. Articles third, fourth, fifth, sixth, and seventh regulate respectively the domestic relations, husband and wife, parent and child, guardian and ward, master and servant, and master and apprentice. Those now living as man and wife are declared to be really such, choice to be made in case there are more than one *quasi* husband or wife. Parents are required to support children, legitimate and bastard alike, and all now born are legitimated. Relation of guardian and ward same as among white persons, subject to the jurisdiction of ordinary. The articles regulating the relations of master and servant and master and apprentice are quite lengthy, but in effect almost exact transcripts of the old common law in those regards, *mutatis mutandis*, to fit local exigencies. Article eight extends the law of contracts as of force among whites to the blacks, illiterate persons being especially and strongly protected. Article ninth extends the law of wills, administration, distribution of estates and the like, to the blacks, with some amendments to lessen expense to them of the usual procedure. Article tenth punishes certain crimes—larceny, grand and petit, vagrancy, receiving stolen goods, and attempts at larceny, burglary, arson, and robbery—by penal labor on public works; provides for superintendent of such labor, and gives right to him to farm out convict labor, taking bond for humane treatment, &c.; recusance of convict to be punishable by same chastisement now by law permitted in the penitentiary in the case of

white convicts recusant. Article eleven sets forth crimes and their punishment. Rape, poisoning, arson, and attempts thereat, punishable with from death to light imprisonment. Makes it a crime also to combine to injure negroes in their persons or property. Article twelve further defines crimes. Article thirteen regulates practice in criminal cases, and article fourteen regards licenses in business, requiring them in specified cases, irrespective of color.

From this *resumé* of a proposed code, drawn up by some of our first lawyers—Judge Starnes, an eminent practitioner, being chairman of the commission—it will be seen with what very peculiar care the interests of the blacks have been sought to be placed on the base of a common justice. Judge Starnes is emphatically and especially a lawyer—a rarer character now-a-days than most men think—and in the report, which strongly bears his impress, has, as it would seem, sought to regard the black in the same light as the Ulpian or Papinian did the old Roman freedman—entitled, as a human being, to all legal rights, but by polity debarred from civic franchise. In one word, this proposed code is simply an extension to the negroes of the old common law as to person and property. Could these principles, modified to some extent by the provisions of the chapters *de libertinis*, to be found in the civil law, be digested into a code applicable alike to each of the late slave States, the negro question would receive a quietus that would let the whole land be at ease on that point once more. Here in Georgia, at least, is no hostility worthy of note against the blacks, and were it not for the presence of negro troops even now things might go comparatively well. But so long as there is before the eyes of an ignorant and credulous race, lately freed from bondage, the spectacle of a standing army of their own race put in authority over those to whom that race has for an hundred years been subject, just so long will there be incitement to idleness and motive for false and delusive views. The glitter, the show, the brief authority, the civic irresponsibility pertaining to these black troops are—take the word for it of a man who would neither extenuate nor set down aught in malice—a fearful obstacle to the peace and prosperity of this country. Of the excesses of these troops I do not speak—there are bad men of every hue, and not a few crimes here committed are the work of the white garrisons, of prowling discharged desperadoes—but the very presence of such forces is an ever-flowing fount of evil.

From the first quarterly report of the national bank here—which, not having as yet received its notes, has not gotten fairly to business—it appears that the deposits already amount to \$295,788 76; discounts, so far, \$6,333 93.

By late mortuary returns it appears that during the year 1865 there were in the city cemeteries 1,618 interments; 614 whites and 1,004 blacks. In 1864 the white burials were 626, blacks 293, thus showing that during the last year the mortality among the blacks has increased over the twelve months previous very near four hundred per cent., and whereas the white deaths were about two to one of the blacks, that proportion has now been reversed. On yesterday the 136th United States colored infantry, Colonel Ruth, for some time past stationed at the Augusta arsenal, was mustered out, the discharged negroes mostly leaving for Alabama, where it is understood the command was raised. No regret is felt at their removal from this vicinity. The *Colored American*, a weekly paper issued here in the interest of the freedmen, in its number for to-day comes out with a call for a freedmen's convention; counties with large towns to send five delegates each, others three apiece; meeting to be held on the 10th instant; object, to adopt steps to procure rights of citizenship. With this much about the negro—a harping on one string almost unavoidable from lack of general political intelligence—let me close by hoping that the objectionable seventh proviso of section fifth of chapter 100, Laws United States, 1861-'62, may be

repealed. This law, approved July 2, 1862, and entitled "*An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,*" declares, in this obnoxious proviso, that no State shall be entitled to the benefits thereof that does not within two years from the date of approval signify, through its legislature, an acceptance of the donation promised. Now, in July 2, 1862, Georgia did not so signify this acceptance, and is, of course, ruled out, thus losing something like \$337,500 of United States stock, which, at the interest fixed in section four, would yield the handsome revenue of \$16,875 per annum for the encouragement of scientific agriculture and mechanic arts. Heaven knows if there be one State more than another needing this aid, it is this latently rich State of Georgia. Her wealth is, by the rules of political economy, the wealth of the federal government, and it is to be trusted Congress will show statecraft enough, by striking out this proviso, to assist her and the other late confederated States in the work of material development.

T. P.

WASHINGTON, GA., *January 17, 1866.*

CAPTAIN: On arriving at this place and circulating the report that contracts made with freedmen, which do not come up to the standard price laid down in circular 5, the planters are coming in from all quarters and are anxious to re-contract with the laborers, and will give from twelve to thirteen dollars per month, or from one-quarter to one-half of the crop, or most any price, rather than have them take them away. The people acknowledge that the compensation is not enough; but they did not know that General Tillson had the power to remove them to other points where the freedmen could get better wages. Everything is very quiet, and the false reports circulated that when the freedmen were sent off by the bureau and sold into slavery have ceased. They state to the freedmen that such reports were untrue, and that the bureau intends to do well by them. Besides, the white people will do well by the freedmen and pay them the wages required by General Tillson, and are glad to do it. A large number of planters have come to Mr. McGuire's office to day to re-contract with the freedmen, and admit they have not paid them a sufficient compensation for their labor.

I think it is well for the freedmen that General Tillson has disapproved of contracts which have been made on such unreasonable terms. Freedmen who contracted for seven dollars per month are now recontracting for twelve and thirteen dollars per month.

Very respectfully, your obedient servant,

GEORGE H. PRATT,

Lieutenant, &c.

Captain W. W. DEANE, A. A. G.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING ASSISTANT COMMISSIONER,

Augusta, Ga., January 23, 1866.

Official copy, furnished for the information of Major General O. O. Howard, Commissioner.

DAVIS TILLSON,

Brigadier General Volunteers and A. A. C.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASSISTANT COMMISSIONER, STATE OF GEORGIA,
Augusta, Georgia, January 24, 1866.

GENERAL: I have the honor to state that, notwithstanding the reply made to my communication of the 28th November last, by the Secretary of War, "that it is not the intention of the War Department to withdraw the troops from the State at present," the troops in the department have since continued to be mustered out until there are now less than two thousand, some eight hundred of whom are colored, in the State. I could not even wish for more prompt, hearty, and thorough co-operation than has been extended to me by General Steedman and General Brannan, the present commander of the department; but there are so many places containing public property where guards must be kept, that, with the present force, it is simply impossible to furnish even a small guard to aid the officers and agents of the bureau at points where they are absolutely necessary. The officers and agents of the bureau at Albany, Columbus, Marietta, Rome, Griffin, Waynesboro, Washington and other places, report that they need the presence of at least a few troops to aid them in the performance of their duties. In all cases, officers report that they are powerless without them.

In almost every case, as heretofore reported, the withdrawal of troops has been followed by outrages on the freed people; their school-houses have been burned, their teachers driven off or threatened with death, and the freed people by fraud, and even by violence, made to enter into unjust and fraudulent contracts. The responsible and educated classes are ashamed of these outrages, and loudly and justly claim that they should not all be judged by the people who are mean and cruel enough to practice these wrongs; but the convictions of the former never take form in action—seldom in a manly, open protest. It requires the most careful nursing and culture to keep alive even a show of justice towards the freed people.

Nearly all the females and young men, and all the blacklegs and rowdies, are open and defiant in their expression of hate for Yankees and negroes. The simple truth is, that the only public opinion which makes itself felt is as bitter and malignant as ever.

These are the facts, and any theory or policy which disregards or ignores them is of little account, no matter by whom advocated or sustained. Unless we keep a firm, just, kind hand upon these people, all our past labor will be thrown away.

A large number of troops is not required; but the State is one of the largest, and unless small garrisons are kept at many points, most unfortunate results will certainly follow; labor will be insecure and untrustworthy, and industrial operations will be sadly interfered with. Some of the unpleasant consequences to be anticipated are already exhibiting themselves; as, for instance, the recent attack on the garrison at Brunswick.

The people who have something to lose begin to appreciate the insecurity which follows the withdrawal of garrisons, and are asking to have them sent back.

The highest and best interests of the State, as well as of the freed people, require an addition to the force now in the department.

I am, general, very respectfully, your obedient servant,

DAVIS TILLSON,

Brigadier General Volunteers and A. A. C.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, Freedmen, and

Abandoned Lands, Washington, D. C.

OFFICE BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
GREENE CO., GA., WOODVILLE, *February 6, 1866.*

GENERAL: I met quite a number of the citizens of this county at Greensboro' to-day, and explained to them fully the conditions which, when complied with on their part, would enable them to retain their labor, under the protection and guarantees of approved contracts. Mr. J. B. Hart presented the following resolution for the action of the meeting—the same being adopted, with but three (3) dissenting voices:

Resolved, That we, as planters and citizens of Greene county, Georgia, do accept the terms for the hire of *freedmen* the present year as set forth by General Tillson in circular No. 5, December 22, 1865, and request that reasonable time be allowed us to amend our former contracts, so that they may conform to the stipulated standard of prices as set forth in paragraph No. II of said circular; and we further request that Mr. Davison, agent, &c., for this county, forward a copy of this resolution to General Tillson for his approval. With but few exceptions, probably none, our people will come up to the requirements, I think, promptly. The change may result in some few contracts heretofore made, not being amended, and in the consequent discharge of a small number of *laborers*, all of whom, however, will be able to obtain employment and homes, either in the county or elsewhere, as they may prefer, without difficulty.

I am, general, with due consideration, very respectfully,

JAMES DAVISON, *Agent.*

General D. TILLSON,

Acting Assistant Commissioner, &c., Augusta, Ga.,

Official copy furnished for information of Major General O. O. Howard.

DAVIS TILLSON,

Brig. Gen. Vols. and Act. Assist. Commissioner.

SAVANNAH, GEORGIA, *February 6, 1866.*

DEAR GENERAL: I came here a few days since to try to arrange matters between the freed people and those who wish to employ them. I should have come here sooner, but that I was waiting to hear from you in reply to my letter, proposing to give former owners temporary possession of their lands, except where titles have been given to freed people. I see by the New York papers of the 1st instant that your anticipation that the bill enlarging the powers of the bureau, &c., would have passed by that time has not been realized. We cannot wait any longer if crops are to be raised on the coast and islands of this State this year; therefore I am making efforts to adjust the differences above referred to on the following basis, viz: I take it for granted that the bill before Congress will pass, and that the titles to land given in compliance with General Sherman's order will be made good for three years, but that other land not so encumbered may still be occupied by the owners if not abandoned, or restored to them if abandoned, in accordance with your instructions to Captain Ketchum. I take it for granted that Congress does not intend to make a general sweeping conveyance of all lands within Sherman's reservation to the freed people, or to confirm any titles given since the President countermanded General Sherman's order, but simply to confirm the titles properly and legally given in pursuance of Sherman's order. If I am right, then I cannot think the difficulties in the way of the adjustment of the question are insurmountable. I propose, for instance, where titles have been given without being definitely located, as is generally the case, or where they are located, then, with the consent of the parties, to consolidate the grants in some one portion of the plantation, giving

the freed people an average portion in point of fertility and other advantages, and leaving the remaining portion of the plantation unencumbered, so that crops can be raised upon all parts of the same. I propose, further, to get the owners, capitalists and freed people together, and, if possible, make some mutually satisfactory agreement which shall give work, good wages and kind treatment to the freed people, and crops to the country. I think I can do this; and if so, it seems to me that such an arrangement cannot be otherwise than agreeable to you, to Congress, and the country. If however, I am wrong, please telegraph me, that I may not act contrary to your wishes. I find things in very bad shape here and on the islands. I must remain for a time and try to improve the condition of affairs. It will require hard work, and I may fail, but I will do the best I possibly can. I met a large number of the freed people last night, and induced them to appoint nine of their own number who are to assist the bureau in ridding the city of the large number of vagrants and idlers who will do nothing themselves, and who interfere with the industry of others. I have telegraphed Captain Ketchum, asking him to meet me here. I want to act in concert with him, as I am determined not longer to issue rations to able-bodied people on the islands who refuse to make reasonable and liberal arrangements to work for their own support when such are offered. I have not heard from Captain Ketchum, although I have telegraphed twice, and have waited until I can wait no longer. I go to St. Catherine's island to-morrow.

I am yours, very respectfully,

DAVIS TILLSON,

Brigadier General Volunteers and A. A. C.

Major General HOWARD,

Commissioner, Washington, D. C.

P. S.—General Hall, whom I expect to assign to duty here, has not reported yet. D. T.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ACTING ASSISTANT COMMISSIONER, STATE OF GEORGIA,

Augusta, Georgia, February 13, 1866.

GENERAL: I have the honor to report that, in compliance with Special Order No. 28, dated February 5, 1866, from this office, directing me to proceed with guard to Athens and Albany, visiting intermediate points, for the purpose of securing employment and homes for freedmen, I proceeded to Athens, and finding that but few hands could be obtained for southwest Georgia at that place, I went to Jefferson, Jackson county, where I procured about one hundred hands, who were anxious to depart. The citizens, who spoke in terms of praise of the bureau, and whose conduct towards me was faultless, rendered me every assistance in their power, and advised the freedmen to emigrate to southwest Georgia, as they would better their condition, receiving good homes and much better wages than they could possibly obtain by remaining where they were.

I am, general, very respectfully, your obedient servant,

GEORGE H. PRATT,

1st Lieutenant 13th Conn. Vol. and A. A. A. G.

Brigadier General D. TILLSON,

Acting Assistant Commissioner.

Official copy forwarded for the information of Major General O. O. Howard, Commissioner.

DAVIS TILLSON,

Brigadier General Vol. and A. A. Com.

By W. W. DEANE,

Captain and A. A. G., in the General's absence.

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,

Augusta, Georgia, February 8, 1866.

SIR: I have respectfully to report that Mr. Mitchell, who was appointed an agent of the bureau for this county, declines the position, and has forwarded to you his non-acceptance. Mr. Cline requires enlarged powers before he enters upon his duties for the bureau, and informed me that he had written to General Tillson to that end, (giving me a copy of his communication.)

There are some who want to have their work done for just such wages as they see proper to give, regardless of the requirements of the bureau in behalf of the freed people, who do not know the worth of their own labor.

Those "poor" people referred to must not expect to be benefited by the colored people unless they pay for it; if they are able to pay *two* second-class hands, they can pay *one* first-class hand. If they are not able, they must not expect to live by the sweat of other men's faces. Let them work for themselves, leaving the colored men to work for those who are able to pay for his labor. But the trouble is not here, but with those people who call the bureau a humbug and a nuisance, and hire the freed people according to their own notions, without submitting their contracts to the bureau, and who will not find more than *one* first-class hand out of a hundred. It is not maintained by the bureau that the aged, decrepit and children are first-class hands. The people here are aware of this, from contracts made by them and approved by me, wherein such laborers get *only* their worth. I have yet to see the colored man who refuses to work where he can get the best wages because he likes *one* man more than *another*.

Laborers in this section are scarce. I have now in my office applications for more than one thousand hands, where they can get from twelve and a half to twenty dollars per month. I respectfully request that you send me one thousand hands. I can find immediate employment for twice that number, for good wages. From the tone of Mr. Cline's communication you can judge the spirit I have had to deal with; notwithstanding this, employment and good wages have been secured to the colored people.

Very respectfully, your obedient servant,

C. C. RICHARDSON,

Captain and A. S. A. Comm'r.

Captain W. W. DEANE,

Assistant Adjutant General, State of Georgia.

Official copy furnished for information of General O. O. Howard, Commissioner.

DAVIS TILLSON,

Brig. Gen. of Vols. and A. A. Comm'r.

W. W. DEANE,

Captain and A. A. G., in the General's absence.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,

OFFICE ASSISTANT COMMISSIONER, STATE OF GEORGIA,

In the field, Savannah, Georgia, February 20, 1866.

GENERAL: I have the honor to state that I have just returned from a second trip to the sea islands of this State.

I am happy to report that the arrangements mentioned in my preceding letter have been consummated upon St. Catherine's island; that all parties are perfectly satisfactory, and that the freed people are happy and working industriously.

Every additional fact I have obtained deepens my conviction, that but for this adjustment of their affairs, the freed people would be no better off at the end of the year on that island than they are now. As it is, there is every reason to hope for the most abundant success, and that this settlement, as it satisfies all parties, will not be overthrown for this year by any action of Congress.

By previous appointment I met the owners of St. Simon's island at Brunswick and took them to the island, called together the freed people, and had a full and free conference upon all matters in which they are mutually interested. I pursued a similar course at Sapelo island, and have strong hopes, from what I saw and heard of both parties, that they can be assisted by the bureau to make arrangements which shall be mutually satisfactory and profitable.

I enclose you a copy of Special Order No. 3, which will show the basis I have adopted for a settlement of the differences between the freed people and their former owners. I am glad to say that it seems to meet almost universal approval. (For evident reasons I have not published it, but made it known only to the parties interested.) Should the bill before Congress become a law, I have no doubt I shall be comparatively successful in my efforts to harmonize these conflicting interests.

Upon arriving in this city, I learned with much regret there is still some doubt as to the action of Congress upon the bill to enlarge the powers of this bureau. It is confidently stated that the President has or will "veto" the bill. Should this prove to be the case, you may possibly disapprove of the enclosed order, and of my presuming to act prior to the final passage of the bill; but I beg to assure you that so far, *good*, and not *harm*, has been done, and that I could not wait longer without making it impossible for either the white or freed people to raise crops this year—a result which I take it for granted all must desire to avoid.

With here and there an exception in the main portion of the State, the affairs of this bureau are progressing satisfactorily. The great work for the bureau now is along the coast and on the islands, and to this I must address myself personally and at once, as no time can be lost. It is now almost too late to begin planting cotton with a fair prospect of success.

The quartermaster's department has furnished me with a small steam-tug, the only boat at its disposal, which I have used in visiting the islands, but she draws too much water for the purpose, and I have been often delayed in consequence. I would not willingly put the government to any expense which could be avoided, but in consideration of the importance to the freed people and the government, the large field of labor, (embracing many valuable islands and 300 or 400 miles of coast,) I deem it indispensable to the interests of the service that a small light-draught steamer should be placed at my disposal to enable me to perform my duties efficiently and promptly, and I therefore ask your favorable consideration and immediate action upon the enclosed request for such a boat.

I am, general, very respectfully, your obedient servant,

DAVIS TILLSON,
Brig. Gen. Vols. and Ass't Comm'r.

Major General O. O. HOWARD,
Comm'r Bureau, &c., Washington, D. C.

[Special Field Orders No. 3.]

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ACTING ASS'T COMMISSIONER, STATE OF GEORGIA,
In the field, St. Simon's island, Georgia, February 17, 1826.

II. The former owners of land upon St. Simon's and the sea islands south thereof on the coast, and belonging to the State of Georgia, will be permitted to

return and occupy their lands, or a portion of them, subject to the terms and conditions hereinafter specified:

First. No owner will be allowed to make use of any threats against the freed people or the authorities of the United States, or to use any violence, or to say or do anything to disturb the peace on said islands; but all disputes will be referred to Mr. W. F. Eaton, the duly appointed agent of the bureau for said islands, for adjudication.

Second. Grants of land made the freed people, in compliance with General Sherman's Special Field Order No. 15, dated January 16, 1865, will be regarded as good and valid; but Mr. Eaton, the agent of this bureau, may set apart and consolidate them, contiguous to each other, on one portion of the plantation upon which such grants have been given, in such manner as to give the freed people a part possessing average fertility and other advantages, and at the same time place no unnecessary obstacle in the way of the owners occupying and cultivating the remaining portion of the plantation.

Third. The former owners of land on said islands will be allowed to occupy and cultivate the same when not assigned to freed people, as described in preceding section, or other portions of their estates that may be made vacant by the consolidation hereinbefore mentioned. Such owners will be permitted to hire freed people on terms satisfactory to both parties, and approved by the bureau.

Fourth. The freed people now on the islands, not having grants of land, will not be forced to leave their present domicile until the owners of the land upon which they may be located, or their representatives, shall have offered them opportunities of labor upon such terms and conditions as shall be satisfactory to this bureau. Should such freed people refuse to accept the offer thus made, then they shall remove from such plantation, and allow the owners thereof the opportunity to hire others to cultivate the same.

* * * * *

DAVIS TILLSON,
Brig. Gen. Vols. and A. A. Comm'r.

Official copy furnished for the information of Major General O. O. Howard, Commissioner, &c., Washington, D. C.

DAVIS TILLSON,
Brig. Gen. Vols. and A. A. Comm'r.

No. 22.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, January 1, 1866.

GENERAL: In obedience to your Special Order No. 84, appointing me inspector of schools and of finances for freedmen, I have the honor to report that I left Washington on the 6th day of October last, and travelled through all the States south, below Tennessee, and this side the Mississippi river. The cities and large towns visited were Baltimore, Maryland; Hampton, Norfolk, Petersburg, and Richmond, Virginia; Newbern, Goldsboro', and Wilmington, North Carolina; Florence, Charleston, and Beaufort, South Carolina; Savannah, Augusta, and Atlanta, Georgia; Fernandina, Jacksonville, and Tallahassee, Florida; Mobile and Montgomery, Alabama; Jackson, Vicksburg, and Natches, Mississippi, and New Orleans, Louisiana. Most of these places both on my outward and returning journey. My whole tour extended over four thousand miles of travel. Going by land I was enabled to see along the line, and by excursions into the interior and to the islands much of the freedmen's condition

upon the plantations. I also went among the colored troops, as I could find them in their various regimental encampments, or as detailed in companies on special duty.

SCHOOLS.

The desire of the freedmen for knowledge has not been overstated. This comes from several causes :

1. The natural thirst for knowledge common to all men.
2. They have seen power and influence among white people always coupled with *learning*—it is the sign of that elevation to which they now aspire.
3. Its mysteries, hitherto hidden from them in written literature, excites to the special study of *books*.
4. Their freedom has given wonderful stimulus to *all effort*, indicating a vitality which augurs well for their whole future condition and character.
5. But especially the practical business of life, now upon their hands, shows at once their need of education. This they all feel and acknowledge ; hence, their unusual welcome and attendance upon schools is confined to no one class or age. Those advanced in life throw up their hands at first in despair, but a little encouragement places *even these* as pupils at the alphabet.

Such as are in middle life—the laboring classes—gladly avail themselves of the evening and Sabbath schools. They may be often seen during the intervals of toil, when off duty as servants, on steamboats, along the railroads, and when unemployed in the streets of the city or on plantations, with some fragment of a spelling-book in their hands, earnestly at study. Regiments of colored soldiers have nearly all made improvement in learning. In some of them, where but few knew their letters at first, nearly every man can now read, and many of them write. In other regiments one-half or two-thirds can do this. The officers of such regiments deserve great credit for their efforts in this respect. The 128th United States colored troops, at Beaufort, I found with regularly detailed teachers from the line officers—a neat camp school-house, erected by the regiment, and the colonel with great interest superintending the whole arrangement. Chaplains have also been the schoolmasters of their respective regiments with much success and greatly increasing their usefulness.

Even in hospitals I discovered very commendable efforts at such elementary instruction. In the above camp and hospital work the teachers of the northern associations were found helping. But the great movement is among *children* of the *usual school age*, and who are now otherwise wholly unemployed. Their parents, if at all intelligent, everywhere encourage them to study. Your officers in all ways add their influence, and it is a fact, not always true of children, that among those recently from bondage, the school-house, however rough and uncomfortable, is of all other places the most attractive ; the average attendance being nearly equal to that usually found at the north. For instance, in the District of Columbia, the daily attendance at the white schools is but forty-one (41) per cent., while at the colored schools of the District it is seventy-five (75) per cent. In the State of New York, the daily attendance at the public schools averages forty-three (43) per cent. At the colored schools in the city of Memphis it is seventy-two (72) per cent. In the whole State of Alabama it is seventy-nine (79) per cent ; and in Virginia it is eighty-two (82) per cent. The most thorough attendance at public schools at the north is probably in the city of Boston, where it is ninety-three (93) per cent. In the *comparison*, therefore, schools of colored children do not suffer (especially when we consider lax government at home, and opportunity for truancy) with the most vigorous system found among our own children. Love of their books is universally apparent. Dull and stupid ones there are, but a very common punishment for misdemeanor is the threat of being *kept at home for a day*. The threat, in most cases, is sufficient.

TOTAL UNDER INSTRUCTION.

The whole number of pupils in the colored schools of the eleven States lately in insurrection, and including Missouri, Kentucky, Maryland, and the District of Columbia, up to the last date of reports, viz., December 1, is ninety thousand five hundred and eighty-nine, (90,589.) Teachers, one thousand three hundred and fourteen, (1,314;) schools, seven hundred and forty, (740.) These numbers have increased rather than diminished since that date.

The above schools are sustained under your superintendence by the various benevolent associations of the north, with the exception of a few in charge of tax commissioners, and those in Louisiana until recently supported by a military tax on the people of that State. But these associations are indebted to the government for transportation of teachers and of school furniture, for military protection, and in many cases for the occupation of buildings in possession of this bureau. The loyal people of the country will, it is believed, do much more of this philanthropic work, if they can be furnished with the needed accommodations and protection. Most of the school-houses, churches, and other property hitherto occupied by them have now been returned to their former owners, and this immense system of education must fail or be greatly crippled unless permanent real estate for their use can be in some way secured. The above associations would, in many cases, erect buildings with their own funds if they could obtain land on which to do it.

VIRGINIA.

The best schools in this State are at Hampton and Norfolk, and the adjacent plantations, where the field could be occupied soon after the war commenced. Attainment in all the branches of a common education has been most commendable, and no abatement of zeal or slackening of progress is apparent among scholars most advanced. The higher classes are destined to go still higher if opportunity is afforded them.

In other parts of Virginia, these educating efforts have commenced more recently, but with equal promise. By the efforts of your excellent assistant commissioner at Richmond, schools, in their first stages, are now instituted in all parts of the State.

The whole number of colored children under instruction at the present time in Virginia is twelve thousand eight hundred and ninety-eight in ninety schools, with one hundred and ninety-five teachers, and the reports of the State superintendent are full and satisfactory.

Aside from these colored schools I found at Richmond a very good school for indigent white children, under the care of the American Union Commission, numbering three hundred and seventy-five pupils with five teachers, and fifty adults in an evening school. In addition to this, the old provost marshal building (General Winder's former headquarters) is now being fitted up for seven schools for poor white children, an industrial school, and a public reading-room. The lower and middling classes of the white population of the city favor this movement. In Petersburg and Fredericksburg, each, the commission has a similar school; the former numbering eighty, and the latter one hundred fifty pupils.

NORTH CAROLINA.

In this State there are schools well advanced at Newbern and vicinity, having had, for the same reason as above, time for thorough organization and progress. A vigorous system has been more recently arranged throughout the whole State, into which children and even adults are crowding, making a constant demand

for the opening of new schools. A general desire for education is everywhere manifested. In some instances, as in Halifax county, very good schools were found taught and paid for by the colored people themselves. Said a gentleman to me, "I constantly see in the streets and on the door-steps opposite my dwelling groups of little negroes studying their spelling-books." The aggregate for the whole State is : schools, eighty-six ; teachers, one hundred and nineteen ; pupils, eight thousand five hundred and six. The increase of scholars during the four weeks previous to this summary was one thousand four hundred and fifty-three.

We note the gratifying fact, that while there is this general increase, the attendance in the large towns is decreasing, showing that the tide of colored population is now setting strongly toward the rural districts where labor is called for, and where they will have their permanent settlement in life.

An industrial school on Roanoke island is in successful operation. In Raleigh and Wilmington there are schools for poor white children, numbering in both places two hundred and fifty attendants.

SOUTH CAROLINA AND GEORGIA.

In the city of Charleston the free colored people during the existence of slavery were, under various restrictions, permitted to have schools. The consequence was that some of that class were quite well educated. When the late emancipation came, these schools were at once enlarged, and by the aid of northern benevolence, became very soon unusually interesting. Opposition of the citizens was rather to the occupying of their public school-houses by the negroes than to their education itself. The whites had seen in former years that free negroes were elevated in character by having learning ; and it may be well to state that, of the seventy-six teachers in South Carolina at the present time, twenty-five are natives, twenty-four being colored persons. It will undoubtedly be true, that as prejudice wears away, white persons of the south will be willing to engage in this well-paid and useful service. And as intelligence increases, colored teachers will also become more numerous. The happy effect of mingling in one common and honorable employment persons from opposite sections of the country, and also of different colors, is apparent. The accomplished head master of the largest school in Charleston, numbering eight hundred and fifty in daily attendance, is a colored man.

In all parts of the State schools are multiplying, the whole number being forty-eight—not as large as might be expected, but some of them are immense in attendance. Two in Charleston register over eight hundred pupils each, and fifteen others in the State from one hundred and ten to three hundred and seventy-two each. I visited the principal of these schools, and can say that many hundreds of pupils bore excellent examination in reading, writing, geography, and English grammar. Some of the schools in the interior are in their first rude stage, and many are deficient in making their regular reports. The whole number of teachers is seventy-six, and of pupils ten thousand.

Georgia having been under the same assistant commissioner, does not differ much, in the work done and in progress, from South Carolina. The best schools are in Augusta, Macon, and Savannah. It would be difficult to discriminate, though in the latter place the effort began earlier. In a very few days after the advent of General Sherman there were five hundred children under organized instructions in that city. This effort, in teaching and expense, was undertaken wholly by the colored people themselves. They received from white friends only advice and encouragement. These schools still continue, and with improvement, quite creditable to the agency by which they are carried on. There are in the State sixty-nine schools and three thousand six hundred and three pupils, with sixty-nine teachers, forty-three of whom are colored persons. The

associations of the north are doing well here, as in other States, but their efforts are crippled by want of buildings. In every place a crowd of pupils can find no adequate accommodation. It is also true that schools are prevented from going into the interior through fear of violence to unprotected teachers. A military police is everywhere needed.

At Athens, in this State, the Union commission has a school of refugee white children with ninety-five pupils. At Chattanooga there is an advanced school of this kind recently started.

FLORIDA.

This State is not as far advanced in education as some others; most of it being more sparsely populated, and the organization more recent. Notwithstanding, there are good schools in ten of the larger towns, with the same general results as above.

In Tallahassee I found five schools gathered and taught by the colored preachers of the place. Also a school of interesting girls instructed by a mulatto woman of education, and who said, "I intend to make ladies of these girls." They will undoubtedly become teachers. At Fernandina an orphan school of forty (40) little parentless children occupies the mansion formerly owned by General Finnigan. It is a lovely specimen of genuine philanthropy, and the lady principal deserves great credit for her self-denying labors.

The total in Florida is thirty schools, nineteen (19) teachers, and nineteen hundred (1,900) pupils.

ALABAMA.

As far as I could learn there have been but two schools in the State under the care of the assistant commissioner. These are large, having eight hundred and seventeen (817) pupils enrolled, with fifteen (15) teachers. That at Mobile bears a most rigid examination in all respects. It is well graded, its teachers thorough, and its discipline excellent. The progress made by the majority of the scholars is truly surprising. The school opened in May, 1865, and now there are classes in all the different readers, from the Pictorial Primer to the Rhetorical Fifth Reader. One class is now in fractions, of Robinson's Arithmetic; one class in Intellectual Arithmetic, reciting in reduction; other classes are well advanced in English grammar and geography. The teachers publish a monthly paper called *The Acorn*. This school receives help from the north, but each pupil, if able, is required to pay a small tuition fee of from 25 cents to \$1 25 per month—no child being excluded on account of poverty. The whole amount received from this tuition has been \$1,875 18. The other school is at Montgomery, and is in a very good condition, with 325 pupils, who pay, in the aggregate, \$118 per month tuition. Arrangements are in progress by your assistant commissioner to have a general system of schools throughout the State. Governor Parsons favors the work, and some white native teachers are willing to engage in it. But in the interior, as is true of all these States, much opposition is manifested, and military protection will, for the present, be needed, especially if the instructors are to be females.

There are also eleven schools in the northern part of the State, in the division known as the "Department of the Tennessee," which have hitherto been superintended by the commissioner of Kentucky and Tennessee. These are about to be transferred to the care of the commissioner of Alabama. They are at Huntsville, Athens, and Stevenson, and are good schools.

MISSISSIPPI.

There is a mixture of good and evil to report from this State. Your officers are indefatigable in their efforts. There are many good schools among the

thirty-four in operation. Some of these have made admirable progress, and a number not included have started under various auspices in different parts of the State. There is everywhere the usual eagerness to learn. But in some sections inveterate opposition among the whites is manifested towards these schools. Two teachers, at the time I was there, were sent to one of the large towns, twenty-five miles into the country where there was no military, and the next morning they were ordered off, and *threatened if they did not go*. This opposition is often openly avowed, but more generally is tacit and concealed, making itself felt everywhere in a sort of combination not to allow the freedmen any place in which a school may be taught. A superintendent in an interior town says: "The opposition to negro education is very great in my town and neighborhood." Colored men in some instances have paid their own money to prepare and furnish a room for a school and then have been forbidden to use it, the white people taking it from them for their own children. Similar things are true of other States, though in Mississippi such opposition has seemed to be more common than elsewhere, and yet there are redeeming features. Instances of planters have come to our knowledge who are desirous of employing teachers for the freed people. One of your officers states that "many planters are beginning to perceive that schools for the children would be an inducement for laborers to engage with them." General opposition is undoubtedly decreasing. We notice expressions of hope from those who are laboring in the State, and it is clear that a steady system of effort cannot be resisted; as I told one of the planters, "they would find it harder fighting the alphabet and spelling-book than they did Grant and Sherman." He made no reply.

There are now sixty-eight (68) teachers in the State, thirty-four (34) schools, and four thousand three hundred and ten (4,310) enrolled pupils. More than half of these are considerably advanced in reading, writing and arithmetic.

LOUISIANA.

In this State a peculiar and very efficient system was inaugurated by Major General Banks, in his General Order No. 38, March 22, 1864. That order created a board of education for freedmen, for the department of the Gulf, with power to establish common schools, employ teachers, erect school-houses, regulate the course of studies, and have generally the same authority that assessors, supervisors, and trustees have in the northern States, in the matter of establishing and conducting common schools.

The purpose of the order is stated to be "for the rudimental instruction of the freedmen of the department, placing within their reach those elements of knowledge which give greater intelligence and value *to labor*."

Previously the teaching of a negro had been a "heinous offence." It is true that the children of the free colored people, who were in good circumstances, (known as "creoles," generally of French or Spanish extraction,) when not educated abroad, or from fairness of complexion by occasional admission to the white schools, were quietly instructed at home, or in a very few private schools of *their class*. But for the poor, even of the free colored people, there were no schools.

Almost immediately upon the above order a great system went into operation and during the last two years there have been about one hundred and fifty schools for colored children established in the State, giving employment to two hundred and sixty-five teachers, and affording instruction to fourteen thousand children and five thousand adults, of which latter class more than one thousand were soldiers. There have been in New Orleans alone nineteen large schools, employing one hundred and four teachers, with an average attendance of five thousand seven hundred and twenty-four pupils. More than *fifty thousand* colored pupils, as reported by the local superintendent, have been taught to read in that city and immediate vicinity, and now they seem to feel more deeply

interested than ever in acquiring knowledge. *These are great results.* I visited these schools, looked over their records, heard their recitations, saw their excellent discipline, became acquainted with the majority of their intelligent teachers, and feel safe in saying that while no State has had so large an organization, no one has excelled Louisiana in the detailed perfection of their school system. The charges which have been made that too high salaries were given to teachers I investigated thoroughly, and found them entirely groundless. The expenses of living in Louisiana are enormous.

It may be well to state that quite a number of southern white teachers have been employed. They understand the negro, and their southern origin and education enable them to combat prejudice against his education.

These teachers may not be equal in some respects to those from the north, but their willingness to bear jeers and contempt of friends and kindred, and the practical exclusion from circles which hitherto have received them gladly, entitles them to great consideration. The superintendent has aimed to select the most capable and worthy of these, but has not been unmindful of those whose loyal antecedents and consequent suffering from the rebellion entitle them to sympathy and aid.

Whenever colored teachers, with the requisite ability, have presented themselves he has made no distinction whatever.

Much opposition has been encountered from those who do not believe in the elevation of the negro—the more, perhaps, as, by the labor order of General Banks, to obtain his services they were *obliged* to help pay for this education. A multitude of facts might be given.

It is the testimony of the superintendent that if the military power should be withdrawn, and the State once more resume all her functions, our schools would cease to exist, and the whole moral and political influence of the people of Louisiana be brought to bear against them. The constitution of 1864 makes it incumbent on the legislature to provide for the education of colored children, but that constitution is not yet regarded as the law of the land, and the dominant party demands that it be set aside as not expressing the will of the people. A member of the legislature, in session while I was at New Orleans, was passing one of the schools with me, having, at the time, its recess, the grounds about the building being filled with children. He stopped and looked intently, then earnestly inquired “Is *this* a school?” “Yes,” I replied. *What!* of niggers? “These are colored children, evidently,” I answered. “*Well! well!*” said he, and raising his hands, “I have seen many an absurdity in my lifetime, but *this is the climax of absurdities!*” I was sure he did not speak for effect, but as he felt. He darted from me like an arrow, and turned the next corner to take his seat with legislators similarly prejudiced.

It was with regret that I learned, while in the State, that the collection of the general tax for colored schools was suspended by military order. The consternation of the colored population was intense. They could not consent to have their children sent away from study, and at once expressed willingness to be assessed for the whole expense. Their part of the ordinary public school tax they were already paying, though not sharing its benefits, but they petitioned General Canby to levy an added tax upon them for their own schools. The New Orleans Tribune (colored daily paper) opposed this on the ground that it was without representation, and so did many of the rich creoles; but the middle and lower classes of the freedmen could not be restrained. Petitions began to pour in. I saw one from the plantations across the river, at least thirty feet in length, representing ten thousand negroes. It was affecting to examine it to note the names and marks (X) of each, a long list of parents ignorant themselves, but begging that their children might be educated, promising that from beneath their present burdens, and out of their extreme poverty, they would pay for it. I am happy to add that upon the back of that petition was indorsed the name of

your excellent commissioner, General Baird, asking, *on behalf of these poor*, that their request might be granted. I learn that this matter has not yet been accomplished, and that the schools have been temporarily suspended, the commissioner assuring the freedmen that, "by the first of March, the system of contracts prescribed for agricultural laborers will begin to yield a revenue," and it is expected that the schools in the country districts may then be re-established. He adds, that "in the cities and towns the mode of maintaining schools has not been so fully decided upon, but the vacation, which has become absolutely necessary from the want of funds, will be of the shortest possible duration. If means, from any quarter, come into the hands of the bureau, I would respectfully call attention to the reopening of these interesting schools at the earliest moment. A number of industrial schools have been in progress in New Orleans, and with good results.

As I did not visit the States of Texas, Arkansas, Kansas, Missouri, Kentucky, and Tennessee, I will only give the general facts.

In Texas there are ten day and six night schools for freedmen, under ten teachers, with 1,041 pupils—many of them adults. They are all self-sustaining. Arrangements have been made whereby thirty teachers will soon be obtained, and that number of schools will be organized as soon as books can be procured.

In Missouri, Kansas, and Arkansas, under the care of General Sprague, there are 39 schools, 51 teachers, and 3,444 pupils. One school has been recently closed for want of a building.

In Kentucky and Tennessee the last report gives 75 schools, 264 teachers, and 14,768 pupils. The commissioner says: "In addition to these free schools, the colored people have sustained many independent schools in Louisville, Nashville, Memphis, and Knoxville, largely increasing the above numbers." Several schools, however, have been abandoned lately for want of suitable buildings, and others from the breaking up of government camps. The cold weather of winter also prevents many from attending. Much opposition has been made to educating the freedmen in some parts of these States, while in a few places (as at Athens, Alabama) the citizens are said to be "favorable to the school." There is a constantly increasing demand among the freed people for education. The superintendent testifies that "while the expenditures for educational purposes in this department for the past six months has not been less than \$50,000, scarcely a beginning has been made in this great work."

At Nashville a square of land has been purchased by northern associations for sixteen thousand dollars, on which a high school building has been erected for teaching the children of freedmen in all the higher branches. It is expected that this institution will equal in its advantages the best schools of the same class in New England. The building was dedicated on the 9th of January last, and has now 1,100 pupils. A normal department is attached, which will prepare teachers for elementary schools throughout the whole State.

There is an orphan asylum of colored children at Nashville, with 60 inmates.

A number of teachers for refugee white children have been sent to Tennessee, and other places of the west and southwest. This has been done on application from the citizens of those sections. The effect of such schools is not only to benefit the children, but to produce fraternity of feeling with us among the people, especially the common classes. The wealthy and aristocratic look upon this effort with less favor.

In Maryland I made a brief inspection, though this State is not fully under your jurisdiction.

The "Baltimore Association for the Moral and Educational Improvement of the Colored People" has sixteen flourishing schools in Baltimore, numbering, day and night, 1,957 pupils. They occupy seven buildings, and employ sixteen teachers, three of whom are colored. These schools are now crowded to their

utmost capacity, and would be much larger if room could be obtained. In the several counties of the State, this association has 18 schools, with 19 teachers and 1,110 pupils, fourteen of whom are colored. The colored people have aided these county schools the last year by paying \$2,000 of the expense themselves.

The society of Friends has an evening school in Baltimore of forty draymen and porters, taught by young men of the society, and who are making good progress. These Friends also aid the above association.

The American Missionary Association has five schools in Maryland, viz., two in Baltimore and three in the country, under the care of seven teachers. With their evening schools and classes of older people, they have from six to seven hundred under instruction. All their schools are doing well.

Besides these, there are seven schools in Baltimore solely under the management of colored people—taught and paid for by their own money. These contain, in all, 319 pupils, a considerable number of whom are adults. This is an interesting effort, and shows what the colored population will do themselves, even alongside of schools both well taught and gratuitous.

In the Douglass (colored) Institute, which is on a permanent foundation, the children are generally from the working classes, and their parents pay for tuition from \$1 to \$1 50 per month.

I found two schools in Baltimore which have been going on more than ten years, supported from a legacy given by Nelson Willis, a colored man; having seventy-five scholars, daily attendance.

The educational work in Maryland has had much opposition, such as “stoning children and teachers at Easton,” “rough-handling and blackening the teacher at Cambridge,” “indignation meeting in Dorchester county, with resolution passed to drive out the teacher,” and the “burning of church and school-house at Willington, Kent county;” “a guard had to be placed over the school-house at Annapolis,” &c.

Colored churches have also been burned in Cecil, Queen Ann, and Somerset counties, to prevent schools being opened in them, all showing that negro hate is not by any means confined to the low south.

I have thus been somewhat particular in regard to Maryland, as you are without regular official reports from that State.

In the District of Columbia there are reported 45 schools, 100 teachers, and 5,191 pupils; some thousands of these are good readers, and also are in English grammar, geography, arithmetic, and higher branches; 1,854 are learning to write, and only 1,097 are still in the alphabet. There are nine other schools, not reported, having 500 or 600 pupils. 21 night schools are in operation, with 1,200 pupils; and, besides Sabbath schools attached to all the colored churches, there are 25 such schools connected with this bureau in a flourishing condition, having 2,329 pupils.

A number of industrial schools have been started, one of which made during last month 162 garments; another has made one hundred articles of clothing. The last is a school of adult women. This whole work is a vast improvement upon the state of things here, as some of us well remember only a few months since. The superintendent, Mr. Kimbell, says “all the teachers seem to be earnest and hopeful.” One writes, “I find the children are very much like white ones—some stupid, others bright. They are rather more eager for learning, because it has been forbidden fruit to them.” The order and general character of many of these schools in Washington has much improved of late. One of them, situated in the heart of the city, and therefore open to much observation, was a few months ago declared “a nuisance” by the neighbors. Now no complaint is made, and even much praise is elicited by the good conduct of the children.

Eight or ten self-supporting schools, taught by colored teachers, numbering at least 500 scholars, are also in operation here in the District. Some of these appear remarkably well. There is *an association of all the teachers of the schools,*

with 100 members. In their monthly meetings reports are made and questions of mutual interest discussed, and in this way the general character of the schools is constantly improved.

Thus I have given a sketch (meagre, indeed, as *all the facts and incidents* would make a volume) of the system of education for the refugees and freedmen which has been under the general superintendence of this bureau.

I may be permitted to say that, from my personal observation, much more is being done than finds its way into the above statistics. There are many schools not reported. Evening schools for adults, of great utility, are becoming very numerous. Often they are conducted by volunteer friends of the colored man, and with a modesty which forbids making public mention of their work. *Sabbath schools* among freedmen have been opened throughout the entire south; all of them giving *elementary* instruction, and reaching thousands who cannot attend the week-day teaching. These are not usually included in the regular returns. They are often spoken of with special interest by the superintendents. Indeed, one of the most thrilling spectacles which he who visits the southern country now witnesses in cities, and often upon the plantations, is the large schools gathered upon the *Sabbath day*, sometimes of many hundreds, dressed in clean Sunday garments, with eyes sparkling, intent upon elementary and Christian instruction. The management of some of these is admirable, after the fashion of the best Sunday schools of white children, with faithful teachers, the majority of whom, it will be often noticed, are colored. I do not, therefore, doubt that the footing, as given from the several States, in the first part of this report, of 90,589 pupils, would be, if *all was told*, swollen to at least 100,000, who are now under effective and well-superintended instruction.

Another great feature of this educational movement remains to be noticed, and which will add a very important item to even this number. Throughout the entire south an effort is being made by the colored people to educate themselves. In the absence of other teaching they are determined to be self-taught; and everywhere some elementary text-book, or the fragment of one, may be seen in the hands of negroes. They quickly communicate to each other what they already know, so that with very little learning many take to teaching.

A willingness, even *an ambition*, to bear expenses is also noticed. They often say, "we want to show how much we can do *ourselves*, if you will only give us a chance."

This may seem to be an overstatement to those who doubt the character of the negro; not that they are ungrateful or unwilling to be helped, but so universal is the feeling I am describing, that it seems as if some unseen influence was inspiring them to that intelligence which they now so immediately need. Not only are individuals seen at study, and under the most untoward circumstances, but in very many places I have found what I will call "native schools," often rude and very imperfect, but *there they are*, a group, perhaps, of all ages, *trying to learn*. Some young man, some woman, or old preacher, in cellar, or shed, or corner of a negro meeting-house, with the alphabet in hand, or a torn spelling book, is their teacher. All are full of enthusiasm with the new knowledge *the book* is imparting to them.

Again, I saw schools (shall I call them) of somewhat higher order. A deserted house has been obtained. There is some organization and awkward classifying; larger members, better books, with tolerable exhibition of easy reading. A sample of such I met at Goldsboro', North Carolina. Two colored young men, who but a little time before commenced to learn themselves, had gathered one hundred and fifty pupils, all quite orderly and hard at study. A small tuition fee was charged, and they needed books. These teachers told me that "no white man, before me, had ever come near them." At Halifax was a similar school, the first of *any kind* which had been opened in that county since the war.

A still higher order of this native teaching is seen in the colored schools at

Charleston, Savannah, and New Orleans. With many disadvantages they bear a very good examination. One I visited in the latter city, of three hundred pupils, and wholly taught by educated colored men, would bear comparison with any ordinary school at the north. Not only good reading and spelling were heard, but lessons at the black-board in arithmetic, recitations in geography and English grammar. Very creditable specimens of writing were shown, and all the older classes could read or recite as fluently in French as in English. This was a free school, wholly supported by the colored people of the city, and the children were from the common class of families. They have six select schools where a better class attend. *Such* are not by any means common, but all the above cases illustrate the remark that this educational movement among the freedmen has in it a self-sustaining element. I took special pains to ascertain the facts on this particular point, and have to report that there are schools of this kind in some stage of advancement (taught and supported wholly by the people themselves) in all the large places I visited—often *numbers* of them, and they are also making their appearance through the *interior* of the entire country. The superintendent of South Carolina assured me that there was not a place of any size in the whole of that State but where there was an attempt at such a school. I have much testimony from others well informed, both oral and written, that the same is true of other States. There can scarcely be a doubt, and I venture the estimate that at least five hundred schools of this description are already in operation throughout the south. If, therefore, all these be added, and including soldiers and *individuals* at study, we shall have at least *one hundred and twenty-five thousand as the entire educational census of this lately emancipated people*. This is a wonderful state of things. We have just emerged from a terrific war; peace is not yet declared. There is scarcely the beginning of reorganized society at the south; and yet here is a people long imbruted by slavery and the most despised of any on earth, whose chains are no sooner broken, than they spring to their feet and start up an exceeding great army, *clothing themselves* with intelligence. What other people on earth have even shown, while in their ignorance, such a passion for education?

It is also seen that the children of the poor whites of the south are very ready to receive instruction, and that already considerable has been done for them.

The conclusions forced upon us from the above facts are:

1. *The experiment of educating the freedmen proves to be successful, and the ignorant whites may be greatly benefited.*

It only remains to carry on with confidence the work so well begun.

That colored children can at once compete with white children who from the first have had high advantages, need not be said. It is enough that with early bad habits, bad example, and wholly unpracticed in study, they seize upon books gladly, and learn rabidly. As well endowed naturally or not, we certainly see in the majority the same brightness, the same quick ambition, as with children of the more favored color, and, stimulated as they are by the novelty of study, there is at present an actual progress scarcely to be paralleled anywhere. In advanced studies, or at a more mature age, pupils give no signs of having reached the limit of their capacity. I have discovered hesitation in their plans for *using* education. Their ardor is dampened by the well known aversion to their hereafter occupying high position; but always, when assured that as character and intelligence increase, ways and means of usefulness will be opened, they are ready to push on to new and harder tasks. When I have told the higher classes in the schools that they will be wanted as teachers, at least of their own color, a new stimulus is seen at once to come over them, and their instructors have always assured me that such promise had inspired an intense ambition.

It is probable that the tastes and temperament of the race, which are peculiar, certainly, will lead in special directions. They may not excel in the inventive power or abstract science, perhaps not in mathematics, though we have seen

commendable ciphering in the colored schools. But they certainly are emotional, imitative, and affectionate; are graphic and figurative in language; have conceptions of beauty and song, and already become skilled mechanics and even artists. If so, then why are not this people destined to honor labor, gladden social life, and when sufficiently cultured, to enlarge art, invest ideas in harmony and grace, give hearty good cheer to religious faith, and thus add important elements to the more perfect civilization of the coming time.

As to improvement at an advanced age, we find individuals vigorously *attempting* it, and many are succeeding. Colored troops have shown aptness to discipline, *courage*, never more to be questioned. And under exceeding disadvantage a large proportion of them have become comparatively educated. A paymaster in Louisiana made the public statement that "a far greater proportion of the colored troops which he paid off at the close of the war signed their names than of the white troops raised in the south."

The interests which the soldiers of the colored regiments have taken in learning to read is well illustrated by the following statement made by an army surgeon in New Orleans:

About a year ago he was stationed at Fort Livingston with colored troops; and soon after his arrival, finding that his time was very little employed professionally, he began to look around to see what he could do. Finally, the thought occurred that he might be useful in teaching the soldiers to read. He proposed the subject to the officers, and they laughed and sneered. Concluding that their advice was not needed, he called the soldiers, and talked with them one after another; and finding that they largely accepted the proposition, he made the following arrangement: He agreed to pick out a class of ten of the brightest and smartest soldiers in the fort, and spend two hours a day in teaching them how to read, provided each of this ten would take a class of four and spend the same amount of time with them. Books were soon procured, and a little school started on this method. The soldiers kept their agreement. While being taught by him, they taught one another, and in a few days many of them could begin to read. When the experiment proved an undoubted success, the soldiers procured a competent teacher from the board of education, and had a regular school established under its auspices. A short time since the commanding officer of the fort told the doctor that the soldiers which were his A, B, C pupils one year ago now took over forty copies of Harper's and Frank Leslie's Weeklies, besides other papers.

2. *The good influence of the schools upon all the habits of the freedmen is apparent.*—As the children repeat their lessons at home, parents become thoughtful, acquire many new ideas, and are led to prize their families, who are thus increasing in knowledge. They make new exertion for self-support, especially for these schools, insuring both industry and economy.

At Little Rock, Arkansas, after paying tuition some months, the colored people formed a school society for the city, and made their schools free for the rest of the year, (the first free schools in Arkansas,) paying in full the compensation of all the teachers.

Besides *elementary* instruction, our schools teach morality and Christianity, and thus, through the children, are waking up a general conscience, and guiding the entire population in the ways of virtue. That class of older persons having now a little learning are stimulated to increase it by study. A group of elderly preachers in Savannah said to me, with much emphasis, "We must now go to studying ourselves, or these young folks will all be ahead of us." They begged me earnestly to adopt a plan by which they might be brought into a class for mutual improvement.

3. *The white population of the south feels the power of these schools.*—Assent, if not the favor, of the better men is being gradually obtained. The major part are indignant, indeed, that negroes should have learning. All sorts

of evil is predicted as the consequence. But a portion of this enmity is provoked by the rivalry which their own children must now struggle with.

The "poor whites" are excited by hearing negroes read while they are ignorant; and it is my belief that they will now receive schools, if furnished them, as never before.

The educated class are not slow to perceive that their schools must be reopened, or fall behind, humiliated, and that new schools must now be organized on a *more popular* plan than heretofore. Poverty, and perhaps pride, with the want of teachers, as the public feeling now is, are the present difficulties in carrying out these convictions.

Some of the religious denominations in the south, seeing there *will be* schools for the freedmen, are saying, "We may as well undertake the work ourselves," and have already passed resolutions adopting the education of the negroes as one of their missionary enterprises.

4. *A class of schools is called for in which colored teachers can be taught.*—If dignified by the name of "*normal schools*," they should be for training in the simplest elements of the art.

The system of education for the freedmen, *as a whole*, must be at first very rudimental, in which the text will be found mainly in the spelling-book, and which can become, as soon as possible, universal. This people are not like pagans in ancient countries, who a thousand years hence will be mainly as they are to-day. Slaves even, in a country like this, could not be kept from many noble impulses. The war has been to them a wonderful school of knowledge, and thought, and of purposes; and now suddenly emancipated, these 4,000,000 are, as "a nation, born in a day."

This great multitude rise up simultaneously, and ask for an education. With it, they will at once start upward in all character. Without it, they will as quickly sink into the depravities of ignorance and vice, free to be what they please, and, in the presence only of bad example, they will be carried away with every species of evil. And, then, what is the actual and astounding fact? One that startles philanthropy itself. A million, at least, of these four millions, (and mainly the rising generation,) are to-day ready to engage in the study of books. They cannot well be put off. Considerations, political, social, financial, and moral, all ask that their demand be promptly met.

If the million be divided into schools of fifty each, we need for its supply 20,000 teachers. Where are they to come from? The north can supply a few thousands. Perhaps the more noble, here and there, in the south will help us. But still at least 15,000 remain to be supplied from some other quarter.

The great impulse to teach, *among these freed people themselves*, with readiness to pay expenses, gives to us the solution of this problem. If they can be by some short method (at first) helped on in study, perfected in what they already know, taught how to teach the same, how also to organize, classify, and govern a school, many thus prepared could be sent out in a very few months to commence the work. Successive classes, prepared more thoroughly, would follow, and, with the certificate of their instructors, no difficulty would be found in obtaining employment. I have never known among the freedmen the offer of a teacher which was not accepted.

The benefits of this plan would be—

1. Such native teachers would go everywhere with very little opposition. The interior of States could be penetrated where now no white teacher can go.

2. The freedmen would mainly support these schools themselves. If school-houses were furnished they would need no other charity.

3. The *elevating effort* of this plan would be universal. The better class of youth among the freedmen would at once see an honorable employment open to them. The present schools would be stimulated with the same idea, and

those of a higher grade would imitate this plan and have a normal class into which their better pupils could at once go.

4. It could be shown in this way what the freedmen are, *as by their own efforts*. This opportunity they deserve. A *development* system, bringing out what they can do themselves, is far better than a perpetual pauperizing, which only shows what others can do for them. If they are to be men, let them be self-educated. Calumny from their worst enemies will grow silent when this is successfully commenced.

If such a system could be instituted at all the central points of the south, we could ere long approximate the great teaching demand now felt. This does not imply that the better schools of northern associations could not all go on, and be greatly increased. The large cities and towns where they now are need them. They could rise still higher in grade, preparing pupils for all the spheres of life, and help immensely in the plan I am now advocating.

On this plan I feel sure that in a few years the whole education of the freedmen could be made *self-supporting*, and by that time the white population would perhaps be willing to incorporate them into some great common-school system for the State. What should prevent this when these freedmen become intelligent and it was seen that they were no longer to be a public burden?

Labor, also, would feel the impulse. Its effects would be seen upon the *employer*. Negroes now crowd into large towns where their children can have learning. If they are to be retained as laborers, or brought back, similar opportunities must be furnished on the plantations. Hence, already instances could be given where a school in the interior has been started only from this motive. This is now being stipulated in the contracts. Liberal-minded, and northern men, who are preparing for crops, are earnestly asking that schools be established, knowing that they concentrate and keep the people content, greatly stimulating industry, and especially that labor is valuable just as it becomes intelligent. The head of one of the largest of the timber and turpentine enterprises in South Carolina (a German) told me that he formerly had hired *only men*, but he had now learned that he must have their families too, and that this could only be done by allowing them patches of land, treating them properly, paying them well, and *giving them schools*.

Your commissioners, in several of the States, have been consulted on this subject, and they will give it their unqualified approval. Attempts are already making at several points to inaugurate something of the kind, either by officers of the bureau or by northern benevolence. But a *systematic plan* is called for, and would very easily be carried into effect. In Tennessee already nearly one hundred colored teachers are at different places in a course of training. The superintendent says: "This should be the great object aimed at in the education of this people. Ten good training-schools for colored teachers," he adds, "should be established in every one of the southern States, and in a few years the great demand for teachers could be met." His plan, in a circular letter to the teachers of the State, I beg leave to insert:

"1st. Select all the most advanced and intelligent of your pupils—say ——— in number.

"2d. From this class you will select all those of sufficient age, advancement, good moral character, and requisite natural qualifications, for teachers.

"3d. These you will organize into a separate class for the purpose of special drill in their studies, with a view of fitting them as speedily as possible for teaching.

"4th. You will report to this office the names, age, advancement of each member, time of organization, character, and amount of instruction given this class, as soon as the organization is completed.

"The foregoing plan is sent you, with a request that you will at as early a day as practicable organize such a class in your school, with a view to supplying the great demand for trained colored teachers as soon as possible."

4. *The people of the country are strongly seconding the educating efforts of this bureau.*—Northern associations were in the field almost as soon as our conquering armies gave them foothold. They have increased in numbers and in arduous, well-directed effort. Their several corps of teachers deserve all praise for self-sacrifice and fidelity. Your appointment of State superintendent of schools has given organic unity to these efforts, and greatly enhanced their efficiency. Popular donations are rapidly increasing, and you may rely upon the continuance of sympathy and the increase of this important aid. Text-books used by the associations should be more uniform, and more promptness is desirable in the making of monthly reports. But time will perfect these details.

5. In conclusion, permit me distinctly to call attention to the fact that *this whole educational movement among the freedmen must, for the present, be protected by the general government.* I need not repeat, what appears all through this report, military force alone can save many of our schools from being broken up, or enable us to organize new schools. Such is the improper spirit in many parts of the south, that where as yet there have been no atrocities attempted against the schools, protecting power is called for to give that sense of quiet and consciousness of security which the calm duties of both teacher and pupil always require.

FINANCES OF FREEDMEN.

Poor and dependent as most of the freedmen are, I found that a considerable number had money. Among the former free people many had reached a condition above want, and in the large towns and cities there are individuals who might be called rich. These men, in some cases, purchased themselves from slavery, and are mechanics, keepers of groceries and wood-yards, butchers, market men and women, owning their own dwellings in the town or its suburbs, and some with small plantations. In Louisiana there are colored creoles who are merchants, bankers, and large planters, each handling hundreds of thousands of dollars. On the bayous back of Baton Rouge there are a number of these colored planters, each said to be worth near half a million. These men are enterprising, are destined to increase in numbers and in wealth, and they seem to act unitedly and strongly for the education and advancement of the whole colored race.

Even the lower class of free blacks and the slaves had laid aside small sums of money, usually in coin, and this is now found in some secret box or old stocking, blackened with rust, no longer kept hid from fear, but cheerfully used for what they need in freedom. A considerable number had been persuaded to place these funds in the former savings banks of the south. Many thousands of dollars of such money went to Richmond to sustain the confederacy, and to be lost forever to these people. One colored church in Savannah had \$2,000 thus deposited. But there are multitudes who as yet know nothing of thrift. Slavery prevented all forecasting of thought, and, in general, every possibility of improvement. Now, however, a change has come. There are, indeed, those who are too degraded perhaps ever to be recovered. Their minds are childish and dark. But *pay for labor* puts even these to thinking of the value of things. The wants and opportunities of freedom show the worth of money, and what can be done with it. Time, however, will be needed for the whole effect. Much patient instruction is called for. But in every direction industry is seen to start under the impulse of prompt reward, and if kind treatment accompanies it, there will soon be on this whole subject little to complain of.

Already homesteads are being purchased, and many more *would* be if there was opportunity. The freedmen have a passion for land. Where little can be obtained, they are always purchasers. The tax commissioners of South Caro-

lina told me they had given over 600 "certificates of title" to real estate to *colored* men. I know one man on St. Helena island—a slave formerly on an adjoining plantation—who now owns a farm of 315 acres, works twenty laborers, has twelve cows, a yoke of oxen, four horses, twenty swine; and he showed me, with very pardonable pride, his fifty-eight acres of the best sea-island cotton I saw anywhere, fifty-two acres of corn, besides a number of acres of provision crops. He had been helped some by the Union officer to whom he had, for a year or more in the war, been a servant; but he expected soon to be wholly out of debt. This man could neither read nor write, and his children aided him in his accounts. There are a number of men on Edisto and the other sea-islands who are only waiting the action of government in permitting them to have lands to engage in similar operations.

Such examples as the above encourage the negroes around, however poor, to form provident habits and to imitate the same thrift. It is the universal impression that freedom is to be coupled with prosperity, and it is not difficult to induce them to save their surplus earnings for accumulation and future use. I found that the large crowds of negroes whom I often addressed sprang forward to ideas of industry and economy, that they might save for old age, for sickness, for purchasing homesteads, or other prosperity, in the future. Their notion of having land *given to them* by government is passing away, and we hear them saying, "We will work and save and buy for ourselves." When they know this is what their prosperous friends (the Yankees) have always done, they seem *eager* to follow the example.

Much fraud has been practiced in bargains and contracts hitherto made with their old masters. Some of these contracts as drawn by the planters themselves are purposely constructed to be misunderstood. I saw one in which it was stipulated "one-third of seven-twelfths of all corn, potatoes, fodder, &c., shall go to the laborers," &c. Another, that "the party violating the contract shall forfeit his right to all services and wages." It will be seen at once how blind in the first case, and unjust in the second, these terms were to the poor negro.

In many places, last autumn, laborers were turned off without pay, or any portion of the crops, and in other cases four or five dollars only a month were given, or even only food and clothing. The plan of these oppressors was evidently to keep the negro in a condition of perpetual poverty and dependence. There were exceptions, of course, and I am happy to report great improvement of late in the wages given. The present year opens with the prospect that labor will be everywhere in demand, and at fair prices. This is owing, in part, to the high value of the great staples of the south, and the desire for a large crop, but much more to the efforts of your bureau officers, who have, everywhere, insisted on just compensation.

The lien on crops for wages, or *work on shares*, to be had, of course, only at the end of the year, may be necessitated by the present poverty of the planters, but, in our opinion, it would be much better for the freedman if he could be paid often, and *in money*. His immediate wants could then be met; he would work for men contentedly; and he would the sooner learn how to manage properly his own finances.

Colored troops have been defrauded of very large sums of money. I have spent much time and labor in ascertaining this. Almost universally the regiments complain, often unreasonably, without doubt, and from ignorance. Though it would seem that they have reason, in some respects, to complain of the government itself, that they have not been treated precisely as if they had been white men. But these frauds are charged by the soldiers mainly to the bounty agents of the several States, or to enlisting and disbursing officers, and sometimes to their own regimental officers.

Moneys were undoubtedly sent by States to procure enlisted men, which

only in part reached these men. They were made merchandise of, while the agent enriched himself by the balance retained. This class of frauds can probably never be effectively detected. The colored soldier was, in many cases, ignorant of money, and the bounty agent will make no confession.

Enlisting and disbursing officers had many opportunities of pocketing funds, by keeping them back from the soldiers unduly, or taking them from him as in trust; the enlisted man being, as was alleged, in no condition to keep the same. Such funds, of course, were put upon a very precarious tenure, the trustee himself being only a military officer. There are facts which lead to the suspicion that some of these officers are *deeply implicated in this species of fraud*.

Officers of regiments have borrowed money largely of their men. This is a very common practice, and pay-day for them, in multitudes of cases, has never come. The officer may be profligate or dishonest; or if otherwise, he is off on furlough—it may be, mustered out of service; and it is easy to forget borrowed money, *especially* when due the negro. I know of many cases of such indebtedness.

I need not say how sutlers often defraud, nor tell of gamblers, rumsellers, and bad women, who hang about camps and pay-tables, luring the unwary, and robbing these ignorant and yet *brave* colored men. This is a humiliating statement, and there should be some remedy. Of course, if the troops are mustered out such evils must cease, and others are being corrected. Those officers who are honest and able are paying back borrowed funds. Others are promising to do so. But there are large sums which cannot yet be touched by the proper owners. I gathered, by your direction, papers and testimony in a number of notorious instances, and have transmitted copies of the same to the financial officer of the bureau; action having been taken thereon which it is hoped will result in the detection of the guilty. Such action, however, as now pending, prevents my giving names, or going into any specific details.

It is respectfully suggested that a *standing commission*, empowered to call for persons and papers, and with transportation to all parts of the country, should be appointed by the War Department to pursue every case of this kind of fraud to a final issue.

The Savings and Trust Company for freedmen, chartered by Congress last winter and placed under your advisement, has gone into successful operation in nearly all the States south, and promises to do much to instruct and elevate the financial notions of the freedmen. The trustees and friends of the institution believe that the industry of these four millions furnishes a solid basis for its operations. Pauperism can be brought to a close; the freedmen made self-supporting and prosperous, paying for their educational and Christian institutions, and helping to bear the burdens of government by *inducing habits of saving* in what they earn. That which savings banks have done for the working men of the north it is presumed they are capable of doing for these laborers. I was charged by you, in my late tour, with this subject, and can say that everywhere, privately and publicly, the freedmen welcomed the institution. They understand our explanations of its meaning, and the more intelligent see and appreciate fully its benefits. Calls were made upon me at all the large towns for branches of the bank. In fifteen of the more central places, viz., Washington, Richmond, Norfolk, Newbern, Wilmington, Charleston, Beaufort, Savannah, Mobile, New Orleans, Vicksburg, Huntsville, Nashville, Memphis, and Louisville, such branches were established. Most of these begin to make returns.

I here insert the report of the actuary at the principal office in New York of the business condition of the institution on the 31st day of January, and the amount done during that month:

Amount due depositors December 31, 1865..... \$201,126 55

Amount of deposits received at branches during
the month of January:

Vicksburg	\$5,087 00
Wilmington	902 44
Norfolk	491 20
Newbern	35 00
Louisville	4,895 15
Huntsville	390 22
Memphis	620 00
Nashville	4,259 96
Washington	4,369 05
Savannah	1,579 55
Mobile	4,809 00
Charleston	424 15
Richmond	170 15
Beaufort	498 20
	28,531 07

229,657 62

Less drafts paid depositors during the month..... 54,704 90

Balance due depositors	174,952 72
Balance on hand at branches	\$17,132 43
Balance on hand at New York	6,577 83
United States securities at New York	181,600 00
	205,310 26

Surplus (on the books) 30,357 54

But \$15 to \$20,000 of this surplus is only in statements or drafts which have not been received at the principal office in New York, and contingent expenses not paid. Hence, the true surplus, as near as we can estimate it at the present stage of affairs, (our securities being valued at par,) is about ten thousand dollars. A dividend of five per cent. per annum has been declared on all sums which have been on deposit six months previous to January 1, 1866.

The trustees are encouraged, from this auspicious beginning of their work, to go forward with high hopes of large benefit to these millions of freedmen "and their descendants," and, if the amendment to their charter now before Congress shall pass, connecting the bank more intimately with your bureau, they will entertain no doubt of its perfect success.

All of which is respectfully submitted.

J. W. ALVORD,
Inspector of Schools and Finances.

Major General O. O. HOWARD,
Commissioner of Bureau of Refugees, Freedmen, &c.

Inspection report of Brevet Brigadier General C. H. Howard.

SOUTH CAROLINA, GEORGIA, AND FLORIDA.

CHARLESTON, December 30, 1865.

GENERAL: I have the honor to submit the following report of a recent tour of inspection in Georgia and Florida.

Leaving Charleston, S. C., December 7th, instant, I called at Beaufort, S. C.,

on my way to Savannah. Among other matters of the bureau to which my attention was called at Beaufort, was the operation of a new order from the assistant commissioner of South Carolina, establishing a public *cotton-weigher*. The freedmen had been defrauded in various ways by speculators in the disposal of their cotton—sometimes by false weight, sometimes in making the change, &c., &c. A public *cotton-weigher* was therefore appointed as an agent of the bureau, and the freedmen having cotton for sale were required to have it weighed by him—all expense to be paid by a moderate toll defined in the order. This regulation I found was working well, and had proved a great protection to the freedmen.

There had been of late considerable suffering for want of food for colored refugees coming into Beaufort from the main land, in transitu to their old homes on the islands or elsewhere. An order from the district commander has established a military board to meet once a month and examine all applicants for rations, make a list of the indigent who were unable to work, and confine the issues strictly to this list. The result of this is, that the local bureau agent is prevented from getting rations for the destitute refugees above alluded to, and great suffering has followed, and in some cases death from starvation. I instructed the agent to obtain requisitions to meet these cases, properly signed and approved, in accordance with circular No. 8, from bureau headquarters, and if the rations were not given, (by reason of the military order referred to,) to report the fact at once to the assistant commissioner of the State.

On the 9th of December, proceeding to Savannah, I met there General Tillson, assistant commissioner for Georgia, and was present at a meeting he had appointed with the planters in the afternoon, and at another of the leading colored people in the evening.

The great difficulty before us was the reluctance on the part of the freedmen to make contracts for the coming year. General Tillson was visiting this section of the State, with a purpose of making every effort to induce the freedmen to enter into contracts. At the meeting of the planters he stated distinctly that if they would offer liberal wages, he would bring all the influence of the bureau to bear to this end, and would use authority to secure the fulfilment of such contracts when made. Many of the planters seemed to differ from him, as to what ought to be considered fair or liberal wages. They talked about eight, ten and twelve (8, 10 and 12) dollars per month; most agreeing that ten dollars and food was good wages for a full hand. General Tillson was positive in his declaration that their offers were too low, and that he would not approve contracts giving less than from twelve (12) to fifteen (15) dollars per month, with food for males, and from eight (8) to ten (10) for females; that they were at liberty, of course, to secure such contracts as they could, but that if they desired his co-operation they must offer what he believed to be fair wages. Some of the planters agreed to his terms.

At the meeting of the colored people, plans were proposed for defraying the expenses of their hospital and their principal school, to render them entirely self-supporting. The people readily assented to a plan for soliciting regular contributions from all the colored population of the city, made practicable by the census recently taken by the agent of the bureau, giving the place of residence, occupation and amount of property of all colored persons in Savannah.

One of the strongest motives preventing the making of contracts, is the hope of possessing land of their own.

Notwithstanding the many orders on this subject, and the continued efforts of agents to correct the false impression, many freed people in South Carolina, Georgia, and Florida still hope that the government will give them lands. At this meeting some other reason, for the hesitation in entering into contracts for another year were given by freedmen themselves. One was their reluctance to work under overseers, especially the same overseers they had had in slavery.

It was explained to those present that overseers or leaders of gangs are necessary in free labor, and are employed in all parts of the world where a number of hands are working together. But I would respectfully suggest that the recommendation be given to those desirous of employing freedmen to procure, if possible, overseers from the north, or, at least, not to insist upon the same ones they had under the old system. The freedmen distinctly aver that they have been beaten and ill treated by these overseers, and now as free men refuse positively to work under them.

At this meeting instances were reported of freedmen who had received, under General Sherman's order, a patent for twenty (20) or forty (40) acres of abandoned land, situated on the Savannah river, within thirty (30) miles of the sea, and who had located and worked the same. Now the old owners are returning, and the freedmen are unwilling to give up the land; in fact. I am not aware that any order has been issued requiring them to relinquish it.

A branch bank of the National Freedmen's Trust Company having been set in operation at Savannah, by Mr. Alvord, the bureau inspector of finances, the matter was presented by him and others to this meeting, and the importance of such an institution to the freedmen strongly urged.

The next day, December 10, I took steamer for Darien, Georgia, intending to reach the Gulf railroad, at Doctortown, its present terminus.

At Darien was a company of the 103d United States colored troops just about to be relieved by one of the 12th Maine volunteers. The resident freedmen complained to me that the latter regiment, when stationed there last summer, ill treated the colored people, robbing their houses and committing many acts of violence, unrestrained. They expressed great fears at their return. I reported this to the commanding officer of the detachment, who promised to prevent like occurrences in future.

On the other hand, some of the white residents were rejoicing at the removal of the colored troops, for which they had petitioned General Brannon. They claimed that their influence was bad upon the freedmen, and some complained that they were generally lawless. But from particular inquiry of resident northern citizens, and others, I concluded the latter complaint was without good foundation.

I saw there some freedmen who had recently returned from the interior of the State to their old homes, whence they had been taken by their masters during the war to work leased plantations, situated from one to two hundred miles or more in the interior. They said their masters had recently left them without paying them any wages, or giving them any share of the crop of last season, and they had constructed flats, or merely rude rafts, and embarking their families, had floated down the Altamaha river. They found the old plantations barren of any present means of subsistence, and now they must suffer. They hoped to make contracts for another year with their former owners, or preferably with others owning plantations in that vicinity, but meanwhile their means of living were exceedingly precarious.

Some procured work upon the docks at Darien, but only a small proportion of the entire number who have thus migrated to the coast. I have dwelt upon this matter because I found that their cases were examples of a general evil existing in that part of Georgia. And if the bureau is compelled to provide rations for a considerable number of these people during the winter, it should be understood the cause is not alone the improvidence of the freedmen, nor is it possible to remedy the evil in the present scarcity of agents, by enforcing a fair division of the crops; for the people are thrown upon our hands, some two hundred (200) miles, more or less, from the place where they have worked the past season.

I was informed that there were nine hundred (900) colored people upon Sapelo, who intended leaving the island in case one of the former owners (Mrs.

——) returned to resume possession of her plantation upon which they had been located under the provisions of General Sherman's order.

There was need of a bureau agent at Darien. The officer who had been in command, stated that he had orders from General Brannon not to interfere at all with the freedmen's affairs, but if they had any complaints, to direct them to go to Savannah. As this is a distance of one hundred miles, and no transportation could be furnished them, few of the freed people could expect to gain redress for any wrongs, or to get information of their rights and duties.

One case of outrage, too flagrant to be passed without notice, was authentically reported to me. It occurred at South Newport, fifteen (15) miles from Darien. A colored woman, after much maltreatment, made her escape. She says her master insisted that she was not free; that he cared nothing for "Lincoln's proclamation;" and when she asked to be allowed to go away and take her children, she was confined on bread and water, and finally got away as best she could, leaving her children behind, but promising to get help and come for them.

It is proper to state that General Tillson visited Darien and Brunswick the following week, and appointed resident civilian agents of the bureau, who he believes will carry out orders, and deal fairly by all parties.

Ascending the Altamaha river, I reached Doctortown December 13. Upon the boat I conversed freely with several planters and other residents of the country. All manifested great opposition to the colored troops, and meeting Captain Richardson (12th Maine volunteers,) the sub-assistant commissioner for the Altamaha district, at Doctortown, I found that he was also of the opinion that the presence of the colored troops in the country had a tendency to unsettle labor, and in some other respects was harmful to the freed people. I therefore wrote a letter to General Tillson, recommending that if practicable, white troops be substituted in that district. None of the citizens with whom I conversed were in favor of the immediate withdrawal of all United States troops. They said they were needed for the preservation of order and the protection of the whites.

Most of the white residents of this section took ground against schools for the education of the freed people, not only as labor lost, but some held that it was injurious to all working classes to be taught from books.

Many talked hopelessly about the prospect of procuring steady labor from the negroes without some means of exterior compulsion. All set the wages at a lower rate than that proposed by General Tillson.

Remaining two days at Doctortown, a good opportunity was afforded for obtaining information of the condition of the freed people in that region. The officer in command of the garrison confirmed my previous impressions as to the large numbers flocking from the interior to the coast. Most of these were destitute of clothing, and on their arrival here had no supply of food. Many of the planters in this locality had been unwilling to give their hands a share of the crops, or any other recompense for the labor of the last season, generally claiming that they have not worked well enough to deserve any wages. Some cases of violence and other ill-treatment of the negroes had come to the knowledge of this officer. He said he had no instructions to attend to freedmen's affairs, but that his military duties would admit of it, and he would cheerfully undertake the matter—in fact, had taken upon himself to correct some flagrant abuses. I requested him, as far as in his power, to remedy all such evils in future—to encourage the freed people to remain at their present homes; and to this end, to see that they were properly recompensed for their labor of the past season, and that fair contracts, correctly drawn, were made for the coming year.

On my way from Doctortown to Thomasville, by railroad, (upwards of a hundred miles,) I conversed with the officers on garrison at the different stations, and found that what has been said of Doctortown was substantially true of all

the rest. I therefore gave written authority to the sub-assistant commissioner of the district to call upon the military officers to act as agents of the bureau until the resident civilians should be appointed for each county, in accordance with General Tillson's plan, approved by the State convention and the provisional governor. Some of the officers had before voluntarily rendered much assistance to the sub-assistant commissioner where cases of misconduct, in which freedmen were involved, had come to their knowledge. It is now made their duty to investigate every complaint and reported abuse from either party.

The sub-assistant commissioner of Alabama district, who was travelling in company with me at this time, was engaged in investigating a case where certain parties were charged with kidnapping colored children and shipping them to Cuba. Other cases were reported, but there was no conclusive proof that any children from that section had actually been taken to Cuba. In the case mentioned two children had mysteriously disappeared, but on the arrest of their former owner, and his being put under bonds to produce the children, he was able to find them in Florida and brought them back, but could not satisfactorily explain their sudden transfer to that State without their own or their parents' consent.

The sub-assistant commissioner was also engaged in assuming formal possession of various confederate government buildings at the different stations along the railroad. At Quitman, Valdosta, and Thomasville, respectively, there were buildings of this description; and there being two at each place, one of which was of inferior value, and the freed people being desirous of having schools, authority was given to use one of the buildings in each place in repairing the other for school purposes. The freedmen readily agreed to furnish the requisite labor. But afterwards finding that the buildings at Thomasville could be profitably rented, and as it would consume considerable time to re-locate and make the necessary repairs upon the one for a school, ascertaining that there were two unoccupied brick buildings, built for an academy, in the outskirts of the town, I proposed to negotiate for the use of one of these for a school for the colored children. Visiting them, I found one a good deal out of repair. Some of the leading colored people promised that their people would fit this up if allowed to use it for schools. One small school was already in operation in town, taught by a colored resident, but it had been found impossible to procure a suitable building for it. Meeting some of the principal white citizens, I proposed to them to use one of the academic buildings mentioned, at least until a school-house could be built for colored children. They were unwilling it should be done, saying that, prejudice though it might be, yet that their citizens would never consent, and if either of the buildings was taken for that purpose none of their citizens would ever send their children there to school again. I urged upon them that only *one* would be used, and that the poorest, and that if the school for whites were to be opened, another place would be procured for the blacks meanwhile. But as these were among the fairest and most liberal of the citizens, embracing two judges of the district, and they persisted in asserting that the mere fact of the blacks having used one of the buildings would prevent forever afterwards the maintenance of any school there for whites, and stating that it was proposed to have a school for whites opened there the 1st of January, proximo, I yielded to them partly, to prevent the ill-feeling which I saw would arise, and partly to encourage the re-opening of the schools for whites, which I believed no less important in that section than for blacks. I stated to them that I would not have yielded to such a groundless prejudice except for the latter reason, and that I should expect a flourishing school for whites to open there at the beginning of the new year.

The colored members of the Methodist church at Thomasville have decided to separate from the whites, and have raised means to build a church of their own. Two-thirds of the membership of the Baptist church are blacks, and

they have also decided to separate, and have offered to purchase the church edifice; but the price required by the whites they think is more than the entire value of the building, whereas they claim that two-thirds of it rightfully belongs to them. The colored members readily gave their consent to the use of this church for a school, and if the teachers, expected from the northern benevolent associations, arrive before the new school building is completed, the sub-assistant commissioner was instructed to use this church temporarily for the school.

At the solicitation of the white citizens, and the urgent request of the sub-assistant commissioner, I arranged to return to Thomasville and address the colored people on the evening of December 18. The white citizens claimed that the freed people, having no confidence in them, would not heed their advice, and that a word from an officer of the bureau had more weight with them than from any other source; and the local agent desired that I should confirm what he had explained to them of the importance of immediately renewing contracts for another year.

Taking a private carriage to Tallahassee—35 miles—I had opportunity to converse with the inhabitants along the road. In this way I ascertained that contracts had been very generally made the past season, in this section, under the supervision of the bureau officer; the most of them fair, giving one-fourth as the share of the crop for the laborers; but some had been for too small a share, from one-sixth to one-tenth. Most of the freed people expressed a willingness to contract for another year on fair terms. Some wished to change employers; some said they would like to go where their children could go to school. All, except one, met on the route in going to and returning from Tallahassee had employment now, and seemed to have no notion of living without working.

Near Tallahassee I met an intelligent freedman, who, in answer to my questions, disclosed the fact that he had received, for the labor of the past year, 15 bushels of corn, 100 pounds of pork, and a small measure of peas. He had, as in former times, with the help of his family, cultivated a small garden of his own; but the products of this had been taken from him.

Meeting Colonel Osborne, the assistant commissioner for Florida, at Tallahassee, I spent two days chiefly with him; having interviews, also, with Generals Foster and Newton, commanding the department and western district of Florida, respectively, and conversing with several citizens of Tallahassee and vicinity. From the district superintendent of education (for the bureau) I learned that a number of schools had been started since my last visit to Florida, in October. There is a great demand for books and teachers. There are two teachers from a northern association at Tallahassee. Some two or three planters in that district had proposed to pay half the salary and expenses of a teacher to come upon their plantations and open a school for the colored children. They were convinced that this measure would do more than any other to make their laborers contented, and thus secure to them steady and effective labor.

From conversation with Lieutenant Colonel Apthorpe, one of Colonel Osborne's inspectors, as well as from the other sources of information I have mentioned, I became convinced that there were rather more exceptions in Florida to the general rule, prevalent in southern Georgia, of prejudice and unjust dealing against the freedmen; but that still, with the majority of the people, there was the same unwillingness, or moral incapacity, to treat them with fairness and as freemen. I was informed by a high military official that, since the hanging of a citizen for murder at Tallahassee, convicted by a military court, and the pending trial of another for shooting a negro, he had received letters from parties declaring they would not "live in a country where a man must be hung for resenting an insult with arms," and where "a man must be tried for his life for shooting a nigger." He informed me, also, that certain of these parties had carried out their threat of leaving the State, and had gone to Texas to reside. From the same official I was gratified to learn, as a testimonial to the good

discipline of some of the colored troops, and as an offset to the complaints against them in southern Georgia, that all the principal citizens of Jasper, Fla., petitioned for the return of a company of colored troops which had been ordered away from there—the constant quarrelling between discharged Union and rebel soldiers, resident there, rendering the presence of troops necessary. The colored troops were sent back to continue garrisoning the place.

There is the same disposition to depreciate wages in Florida as in Georgia, but I learned that a new demand for labor had sprung up at Fernandina, and that agents had been sent to Tallahassee for freedmen to work in the lumber business, offering \$1 and \$1 25 per day and board. Thirteen new saw-mills had been put in operation there by northern men, and it had been found impossible to get all the hands they desired. This will tend to raise the price of labor throughout the State.

I would respectfully ask attention to certain provisions of a recent circular, No. 9, from the office of the assistant commissioner of Florida:

1. The general appointment of all judges of probate without regard to special fitness, as agents of the bureau, and in a similar manner in some districts, clerks of court and justices of the peace as assistants. It is to be feared that in many cases these officers, from their prejudices and other personal qualities, are entirely disqualified to be impartial agents of the bureau. Again, they would not have the confidence of the freedmen, and the latter would therefore hesitate to apply to them for redress.

2. These officials are not required to signify their acceptance of the appointment. Hence it will not be known to the assistant commissioner whether he has any agent in any given district or not. Besides, no provision is made for informing the freedmen as to who is the agent for their locality.

3. They are to enter upon their offices immediately upon the sight of the order, even in a newspaper; hence are not required to take any oath of office or to familiarize themselves with existing orders of the bureau.

4. They are not required to make any report, or in any manner make themselves responsible to the assistant commissioner for their acts or measures as agents of the bureau.

It is proper to state that as a corrective of some of these evils, the assistant commissioner had divided the State into five or more districts, and had appointed a competent inspector for each.

As recommended in person to the assistant commissioner, I would further urge that these inspectors have authority to reject any of the judges of probate found unfitted for the duty, for any reason, and to nominate some other person in their stead; that they be required formally to accept the agency, to take an oath of office, and to make reports.

Returning to Thomasville, I addressed a large audience of colored people, according to appointment. Having heard it stated by the planters that some of the freed people were reluctant to make contracts, because of a belief that it remanded them to seven years of slavery, I put the question to vote, as to whether any present believed this report. They unanimously declared their disbelief of it, and that they were willing and expected to make contracts. A few contracts had been made for another year. Some of the freedmen informed me that they had desired to rent land, but had been told by citizens that no black man would be allowed to have land by lease. They had therefore procured the offices of a white man to rent a plantation for them, and contracted with him to have all of the crop above a certain amount.

Some cases of difficulty from the irregularity and unnatural condition of the marriage relation came to my notice; and this is a fruitful source of disquiet and immorality among the freed people. A sweeping regulation, like that passed by the Georgia legislature, legalizing all existing marriages, is not what

is needed, but a discriminating law, which shall require all parties continuing to live as man and wife to be legally married, but shall permit, with proper restrictions, the old involuntary contracts of this kind to be set aside when mutually desired, and shall give some suitable regulation by which one husband and one wife may be fixed upon where several are living as the result of the slave system.

From Thomasville I proceeded by private conveyance to Albany, Georgia, 55 miles. This mode of travelling gave me an opportunity of visiting different plantations. I found generally in this section that the contracts for the last year had been at the rate of from one-sixth to one-tenth of the crop, and the latter the greater number. Where no written contracts, properly signed and approved, had been made, I gave directions to the sub-assistant commissioner, that an officer, or agent of the bureau, visit these plantations and make an equitable division of the crops. The division had not been made at the plantations visited by me except in one case not far from Albany.

From the small number of officers allowed to the bureau, the districts in Georgia have been by far too large to be properly cared for.

There seemed to be a general disposition in this section (southwestern Georgia) to set wages too low, and to keep the freed people as nearly as possible in their former state of servitude.

The sub-assistant commissioner at Albany (Major Hastings, 12th Maine volunteers) seemed to be an efficient officer, but had been there only a few weeks. He proposed to start a school of 150 scholars, if books and teachers could be furnished. There had been a small private school there for colored children, taught by a young lady from New York. Here, also, I heard of another instance of a planter in a neighboring county who desired a school for colored people upon his plantation.

There was great call for agents to superintend the division of crops in this section. The freedmen were not satisfied unless some United States officer or bureau agent were present.

After one night at Albany, I proceeded to Andersonville, where I found a small garrison, some twenty men and one officer. This officer had given some attention to freedmen's affairs by virtue of a general order from headquarters of the department. But being the only officer there, and having no horse, he was limited to plantations and places comparatively near. The same old complaints of being turned off with no payment for last season's work were common.

I learned of some cases, in that locality, of renewal of contracts for another year.

Mr. H. A. Welton, a Union citizen of Georgia, who had been imprisoned for his loyalty to the United States government, seven months during the rebellion, and who is now employed by the quartermaster's department as superintendent of the Andersonville burial ground, had started a school for the colored people at Andersonville.

A "confederate" building was used for a school-house, and a sergeant of the 147th Ohio taught adults in the evening.

At Macon were prosperous schools and a good hospital. The bureau officer now there (Lieutenant Colonel Lambert) had been on duty only two weeks. There was the usual complaint of reluctance of the freedmen to make contracts. On investigation, I found that the prevailing offers of wages were too low, and that in this region the share given the laborers last season was generally one-tenth. Hearing of disturbances and much ill-treatment of negroes in Twiggs county, I recommended that a garrison be sent there.

At Atlanta there was more of an accumulation of destitute freed people than I had seen elsewhere. The armies had more completely devastated all the country around. Many whites, at least three hundred families, as estimated by the sub-assistant commissioner, will suffer greatly this winter, unless relieved by

government agency. The bureau officer has assisted some of these destitute refugees, by transportation and rations. He was endeavoring to find places for all the able-bodied colored people, and had already considerably diminished the number. By the help of the assistant commissioner of the State, he will be able to apprentice most of the homeless children. Many cases of violence to negroes in that section are reported to him, but his district is so large that he cannot, he says, rectify these evils except in comparatively few cases. Several good schools and a hospital are in successful operation at Atlanta, the former, as at Macon, being chiefly sustained by the benevolent associations of the north.

At Augusta, meeting again the assistant commissioner of the State, General Tillson, at his headquarters, I made a report of my tour in Georgia, and secured the adoption of some measures of immediate and practical importance to different localities visited. General Tillson had just returned from Waynesboro', where he had addressed a large meeting of freedmen, some few planters also being present, to encourage the making of contracts.

The schools at Augusta are flourishing under the immediate supervision of the bureau State superintendent of education.

I obtained information while there from officers and agents of the bureau, as well as from military authorities and the newspapers, that the militia organizations of the opposite county in South Carolina (Edgefield) were engaged in disarming the negroes. This created great discontent among the latter, and in some instances they had offered resistance. In previous inspection tours in South Carolina much complaint reached me of the misconduct of these militia companies towards the blacks. Some of the latter, of the most intelligent and well disposed, came to me and said, "What shall we do? These militia companies are heaping upon our people every sort of injury and insult unchecked. Our people are peaceably inclined, and we are endeavoring to inculcate good feeling; but we cannot bear this treatment much longer. Many are beginning to say, 'We have been patient long enough; we are free men now, and we have submitted to such usage as long as we can.'" And again they ask, "What shall we do?" I assured them that this conduct was not sanctioned by the United States military authorities, and that it would not be allowed.

They then asked what they should do when the United States troops were withdrawn, saying *they had nothing but evil to apprehend from these military organizations.*

Now, at Augusta, about two months later, I have authentic information that these abuses continue. In southwestern Georgia I learned that the militia had done the same, sometimes pretending to act under orders from United States authorities. I reported these facts to General Brannon, commanding the department of Georgia, and to General Sickles, commanding the department of South Carolina.

I am convinced that these militia organizations only endanger the peace of the communities where they exist, and are a source of constant annoyance and injury to the freed people; that herein is one of the greatest evils existing in the southern States for the freedmen. They give the color of law to their violent, unjust, and sometimes inhuman proceedings.

I would earnestly recommend that these organizations be abolished in these States for at least several years to come, and that some suitable substitute be instituted as a general police force, to preserve order and maintain the laws until it again become safe to allow the organization of militia.

Orders had just been issued for the muster out of the troops remaining in Georgia. General Tillson, the assistant commissioner, was apprehensive that the efficiency of the bureau would be much impaired by the loss of these troops. Not only would the means of executing orders and punishing crime be taken away, but his sub-assistant commissioners, already far too few in numbers, would

be mustered out with their regiments. He would thus be deprived of all except one or two of his most efficient agents.

Another evil, of less extent, and it is hoped of short duration, would arise from the muster-out of the colored troops raised in that or neighboring States. The men would thus, for the present at least, be thrown out of employ and regular wages. Just let loose from military restraint they would be an exciting element, not prepared to settle down to steady labor at once themselves, and their influence tending to disturb others. Besides, while receiving pay as soldiers they could make their families comparatively comfortable, whereas now this means of support is suddenly cut off, and it must necessarily be some time before they can make satisfactory provision for their families.

From Augusta I returned, *via* Savannah, to Charleston, South Carolina, having been absent twenty-three days.

As the result of this tour I beg leave to submit the following general considerations :

I. Agencies of the United States government, of some sort, similar to the existing bureau agencies, are for the present indispensable in every part of the two States visited.

1st. Great *suffering* and *starvation* would ensue among the refugees and freedmen in some sections were all government aid withdrawn.

2d. Public sentiment is such that even should the laws be made impartial, the negro *could not obtain redress* for wrongs done him in person or property.

3d. There seems to be a moral incapability with the majority of white residents to treat him fairly in the *ordinary transactions of business*, as, *exempli gratia*, in making contracts. His own inexperience in such things, therefore, renders necessary some agency to guard his interests.

4th. Existing theories concerning the education of laborers and the prejudice against the blacks are such as absolutely to *prevent the establishment of schools* for the freedmen, even though the expenses be paid by the benevolent associations of the north; and the *many successful schools now in operation would be broken up* in most places on the withdrawal of the government agencies. The same general observations will apply to all missionary work by northern agents; and from special inquiry and investigation of this subject, I am convinced that very little in the way of moral and religious instruction for the freed people is to be expected at present from the members and ministers of the southern churches. On the other hand, it is for the interest of the whites for the agencies to remain, and the better class of the thinking men expressed themselves unhesitatingly in favor of it.

1st. The prevailing want of confidence on the part of the freedmen in those who had been slaveholders makes it necessary to have a third party (and a United States official is better than any other) to induce the freedmen to enter into contracts. Many of the white residents told me that no contracts would have been effected but for the bureau officers.

2d. Such agents are needed often to secure the fulfilment of contracts on the part of the freedmen, both in explaining the exact meaning and force of the contract and enforcing it by different motives and means.

3d. For the protection of the whites against any hostile combinations of the blacks. This will be needed as long as the present public sentiment of the whites continues, insuring a corresponding distrust and hostility on the part of the blacks. Our agents have done much to allay such ill-feeling; and however unreasoning and ignorant the freedmen may be in any community, and however much their number may preponderate over the resident whites, they will generally heed and be governed by the advice of United States officials.

II. In order adequately to protect the persons and property of the freedmen, and promote their education, as well as for the proper regulation of labor for the benefit of all concerned, *the present number of agents should be increased.*

III. United States troops are at present absolutely necessary as auxiliary to the agents.

1st. There is no other means of executing orders and insuring justice to the freedmen.

2d. In many sections United States agents would not be tolerated unless backed by military force. I was assured by respectable and influential residents of the country in some sections that no northern man could reside there were it not for the presence of the bayonet, and that, in their opinion, such would be the case for ten years to come. I am not convinced of the truth of this statement, yet, with my own observation, I am led to conclude—

3d. That the troops should remain for protection of northern residents and to encourage emigration.

4th. As desired by the better part of the whites, to maintain good order and peace.

5th. Wherever United States troops are withdrawn a militia organization at once springs into life, which invariably tends to disturbances between whites and blacks, and to the latter is, I am convinced, an unmixed evil.

IV. As the result of this and other tours of inspection, as well as from my experience and observation while on duty in the States of South Carolina, Georgia, and Florida for the past nine months, I beg leave to submit further, that, in view of the acknowledged necessity of United States troops, and the fact that many now there are soon to be mustered out, and that all the volunteer white troops are desirous of going home, and must sooner or later be discharged, a provisional force might be raised in the southern States, officered by the War Department, (preferably from meritorious officers lately discharged from United States volunteers, and selected with a view to peculiar fitness for this service,) which would meet the want, and for other special reasons, besides the general reasons given for the retention of troops in those States, would be highly beneficial to the country. For example :

1st. Such a force recruited in the south could easily be substituted for the militia, which, for every consideration of safety to the peace of the country and justice to the freedmen, ought to be abolished for some years to come. Officered by the War Department, it would be subject to discipline and control giving to it the character of United States troops, and in no respect resembling the present militia.

2d. Its officers could be used as agents in the affairs and interests of refugees and freedmen without the inconvenience and injury to the service of having frequent changes and losses incident to the inevitable muster out of the present volunteer force.

3d. Most of the officers and men of the present volunteer white troops are discontented, and thus more or less disqualified for their duties, believing, as they do, that they should be allowed to go home, now that the rebellion has been crushed.

4th. This would be the means of enlisting on the side of the government a class otherwise dangerous and troublesome throughout the south, and finally secure among them and their families a permanent loyal sentiment.

5th. Many who would thus be arrayed on the side of law and order are at present without lucrative means of support. They have been absent three or four years in the rebel army, or, as in Florida, some in the Union army, and by the habits acquired, in addition often to the fact that they never were accustomed to steady industry in early life, are unfitted and indisposed to enter into any suitable business, even if other circumstances favor it.

6th. The greater part of the class referred to are unable to read and write. Gathered into companies and regiments, under suitable officers, they could easily be taught in the rudiments of education, as has been done in the case of many of the colored regiments.

Two or three regiments of this description might readily be raised in each State with comparatively little expense, and for such term of service (say three years) as it may be thought probable that a military force will be needed in the States lately in rebellion.

This plan of a provisional force in the south was urgently recommended to me by some of the present prominent military commanders in the States mentioned.

If this measure cannot be adopted for want of a basis of law, similar results might be attained by the recruitment of some two or three regiments for the regular army in these States, if the army is to be increased. But this recruiting should begin at once, and no time be lost, as is obvious from what has been said of the disabilities connected with the retention of the present volunteer force.

Respectfully submitted.

C. H. HOWARD,

Brevet Brig. Gen., Inspector for S. Carolina, Georgia, and Florida.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c.

General Baird to the planters of St. Martin.

[Circular No. 29.]

The following letter explains itself:

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN,
AND ABANDONED LANDS, STATE OF LOUISIANA,
New Orleans, February 3, 1866.

SIR: A copy of the preamble and resolutions, adopted by the planters of St. Martin, authenticated by your signature as secretary, I have received.

These resolutions, which, in their general tone, are highly creditable to the intelligence and liberality of the planters of St. Martin, show at the same time a want of clear understanding upon certain points connected with the labor system at present in force in the State, which it would be well to correct. I received also from other quarters interrogatories which convince me that the spirit of circular No. 29, and of the form of contract issued recently from this bureau have been misunderstood; and I purpose in addressing you to reply to as many others as may be interested in the matter.

The acts passed by the general assembly of the State of Louisiana, at its present session, regulating agricultural labor and kindred matters, have not yet received the sanction of the governor, and are, therefore, not laws of the State. Should the governor approve them they must still be subordinate to the act of Congress, of March 3, 1865, which places the control of all subjects relating to freedmen in the hands of the Bureau of Freedmen and Refugees.

The acts in question I have forwarded to Washington, and they are now in the hands of the President. Their provisions can be enforced in so much only as they coincide with the orders he has given or may give.

In relation to labor and contracts between freedmen and their employers, the only action that has been taken by this bureau has been first to impress upon the laborers the importance of making contracts to cover the whole of the coming year. This because it is the prescribed policy of the government, and in addition as a necessity to provide a sure maintenance for the large number of agricultural laborers in the State, as well as to enable us to shield them from the impositions of the dishonest and designing who can be found in every community.

The policy of making contracts for long periods has met with opposition

from well-meaning friends of the black man, and it is quite sure that but for the influence we have been able to exert, and the advice which we have given, there would have been but few contracts made, unless those extending from month to month or from week to week.

It has been the effort of the bureau, in the second place, to secure written evidence with regard to every contract made, so that at any time during the year should either the employer or laborer complain of wrong, the information required for righting the grievance would be at hand.

It was thought advisable also that each contract made should be submitted to an agent of the bureau, that he might explain its provisions to the freedmen and caution them against injudicious engagements; but being satisfied that the bargain was understood, and such as they desired to make, that he should witness it by his approval, and forward copies to be put on files here and in Washington. This has been provided for.

The blank form of contract sent out by the bureau presents the most ordinary bargain that has hitherto been made between planters and laborers, and has generally been approved by both. The circular explanatory which accompanies it was intended to show how the blank might be modified, either by erasure and interlineation, or by additional articles appended and witnessed by the agent of the bureau, so as to suit the peculiar views of every one contracting with regard to labor. A certain ration is fixed upon in the circular, which was determined after much consultation with old planters; but it is not intended that this shall prevent the employer from furnishing more, or the laborer from working for wages alone without food, but only to fix that value which was in the minds of the contracting parties when it was agreed that the laborer should receive food together with a stated amount of money wages.

The circular in like manner fixes the amount of clothing to be furnished, when not otherwise expressly determined, and also establishes the number of hours that shall constitute a day's work when the bargain simply requires a day's, a week's, or a month's labor. There is no regulation to prevent the freedmen from contracting to work sixteen hours out of twenty-four, or to do their work during the night, or that they shall be fined and punished at the will of the employer for any slight delinquency. If they choose to make such an agreement they have a right to do it, and the agent of the bureau will interfere only to advise against what is manifestly for their disadvantage, or to withhold his approval where the contract is likely to become oppressive.

In the third place, the instructions given to the agents of the bureau require that they should insist upon provisions being made in every contract for the maintenance of schools for the children of laborers.

The appeals coming from the agricultural district for the privileges of education have been most pathetic, whilst the instructions which we receive to keep up the schools are equally positive, and it is our endeavor to provide means by which schools may be supported out of the wages of the laborers for the instruction of their own children.

It is not intended that the money collected in one locality shall be used to support schools in another neighborhood; but that it shall be used solely for the payment of the teacher who actually instructs the children connected with those who pay it. Where schools from any cause are not kept up, no money will be collected; and in no case will more be exacted than is required for the maintenance of the school at that particular point.

Should it be found to be the unanimous wish of the freedmen to have no schools, it is not thought that it would be the wish of the government at this time to force them upon them.

Beyond this matter of schools, there is nothing that can be regarded as coercive in all of the rules regulating contracts. All that we say is, that when parties refuse, upon such easy terms, to avail themselves of the influence of the bureau

to enforce their contracts, they must not complain if assistance is not offered them.

And should the laborers in the middle of the season choose to quit the plantation on which they are working, the bureau will not ask them to remain, but may insist on the payment of wages for the work that has been performed.

Where the employer offers to laborers fair terms upon which to contract in form, and they refuse to do so, the neglect is on their side; and should they be deceived and cheated, it may be out of the power of the bureau to afford them relief.

How parties wishing to contract could be left more free in respect to the terms of their bargain, I cannot conceive; nor do I understand how the simple rules to insure fair dealing can be objected to by any one who intends to deal fairly.

Very respectfully, your obedient servant,

A. BAIRD,

Brevet Major General U. S. Vols., Assistant Commissioner, &c.

State of Louisiana.

GABRIEL A. FOURNET, *Secretary.*

Report of Missouri and Arkansas, by Brigadier General J. W. Sprague, assistant commissioner.

ST. LOUIS, Mo., *July 17, 1865.*

GENERAL: I have the honor to submit the following report for the quarter ending June 30. In obedience to your Special Order No. 4, dated May 31, 1865, which was delivered to me at Washington city, I came to this city, where I arrived June 10. The officers of my staff ordered to report to me here did not receive their orders so as to arrive until the 17th of June. Office room was obtained, and opened the 19th June. Immediately on arrival, I endeavored to acquaint myself with all affairs that would come under the control of this bureau. In this I was greatly assisted by Major General Dodge, commanding department, Chaplain A. Wright, superintendent of freedmen, and Jas. E. Yeatman esq., president Northwestern Sanitary Commission. Major General Dodge issued the following order:

[“General Orders No. 150.”]

“HEADQUARTERS DEPARTMENT OF MISSOURI,

“*St. Louis, Mo., June 17, 1865.*

“All superintendents of refugees and freedmen of this department will hereafter render their reports to, and be subject to the orders of, Brigadier General J. W. Sprague, commissioner of refugees and freedmen for Missouri and Arkansas. Immediate reports will be made to him, at St. Louis, Missouri. The staff departments will furnish authorized supplies as heretofore, and give all aid consistent with their duties to enable General Sprague to successfully carry out his instructions.

“By command of Major General Dodge:

“J. W. BARNES,

“*Assistant Adjutant General.*”

And he has up to the present moment given me all aid and encouragement in his power in the discharge of my duties. In consequence of the time required to communicate with the distant posts, I have found it difficult to obtain from the officers on duty as superintendents, local facts and figures necessary to give me a full understanding of the affairs of my district, and this report in consequence will not show in detail, as I could wish, all the information which I

know you desire. I found in operation in this city a "refugees and freedmen's home," which was sustained jointly by the government and the Northwestern Sanitary Commission. I found the cost to the government was about two thousand dollars per month. It was well managed, and was indeed a "home" for the poor refugees and freedmen, and the orphan children of these classes; but, regarding the expense to the government as too great for the services rendered, I ordered that it be closed by the 10th of this month, which was done with the cheerful concurrence of Mr. Yeatman, president of the Sanitary Commission. The former inmates, both white and colored, are now cared for by the city and county authorities. On inquiry I found that in the month of May last the government issued rations to 4,452 white refugees and 236 freedmen in Missouri. In Arkansas the number of persons to whom rations were issued is not stated, but 75,097 rations were issued to freedmen.

Believing that I could better discharge the duties of my position by visiting Arkansas in person, I accordingly left St. Louis June 30, accompanied by Lieutenant Colonel D. K. Williams, assistant inspector general, and Surgeon A. B. Monahan, medical director. I visited Helena, Devall's Bluff, and Little Rock, returning to this place the 17th instant. I intended to have Doctor Monahan make a tour of inspection, and visit all the important posts in this district, but while at Little Rock I received notice of the order to muster out his regiment, (the 63d Ohio veteran volunteer infantry,) and he left at once for Ohio. I respectfully refer to his report, which I forward herewith.

I have made inquiries of the officers of the Treasury Department, at Memphis, Tennessee, at Helena and at Little Rock, Arkansas, for information about abandoned lands and taxes collected on cotton &c., for the use of freedmen. I have not been able thus far to find any of the "abandoned" property which they have "registered," with any more definite description than the former owners' names, and about the number of acres. I was informed at Helena and Little Rock that only such abandoned lands had been registered as parties sought to lease, and I have been unable thus far to obtain any information as to the tax ordered to be collected on shipment of cotton, &c., for the use of freedmen, except that all such moneys had been remitted to Washington, in obedience to orders from the Treasury Department. Major General Reynolds, commanding department of Arkansas, expressed a cheerful willingness to aid and assist me to the extent of his power in the discharge of my duties. Refugees in large numbers, and in most pitiable and destitute condition, have been flocking to our posts for subsistence—most of them are of the lowest type of humanity to be found in this country—they are *willing* mendicants and paupers; some are worthy people suffering the extremes of poverty and sickness. It requires officers of energy, discrimination, and judgment to deal with these people, to *sift them* so as to act for their future welfare, and to prevent imposition upon the government. Many of them have been returned to their homes; some have been sent to their friends who could and were willing to aid them; many more can be disposed of in these ways; but great care is necessary to avoid simply changing them from one place, where they are subsisted by government, to another where they would be, perhaps, a greater burden.

I respectfully call your attention to the large increase of issues of rations in the month of June over the preceding month, on the western frontier of Arkansas, particularly at the posts of Clarksville, Fayetteville, and Van Buren, as shown by tabular statement in Major Sargent's report, page 10. That vast region of country is said to be almost entirely destitute of the necessaries of life, and the supplies issued there by our government are transported at enormous expense. I sent Lieutenant Colonel Williams, from Little Rock, to visit all the posts in western Arkansas and Missouri, with strict orders to stop the issue of all supplies not necessary to prevent starvation, and to issue to none who were able to work. The present harvest will relieve the government from the support of many who

are now fed by its bounty; but there are large numbers of these poor people where there are no crops to harvest. As you will see by the table referred to, large issues are made to refugees and Indians at Fort Gibson; but this post not being in my district, I have not assumed charge over them.

FREEDMEN.

These people, wherever protected so as to enable them to dispose of their labor and collect their wages, are exhibiting remarkable aptitude to support themselves and their families. They are somewhat *bewildered* by their sudden change from slavery to freedom; but very few, indeed, are willing to be paupers, and notwithstanding the constant teachings of slavery for generations, that they were not responsible for the support of aged parents or helpless children, their care and affection in these relations are marked characteristics, highly creditable to this poor and down-trodden race. But I regret to say that even now in Missouri and Arkansas, wherever the power of our government is not felt through the military arm, the negroes are still held and treated as slaves, and it is from these former slave-owners, *now violators of the laws*, from whom the cry constantly comes that "the negro will not work!" "he will forsake the farm," and "flock about the cities and military posts." By their conduct and bearing, the negro is frightened; he fears that in some way he will be cheated out of his *liberty*, and it is my firm conviction that it is the settled policy of a large majority of former slave-owners to accomplish by State legislation and by covert violation of law, what they have failed to accomplish by rebellion. Men who profess to be honest and honorable cannot understand that there is any moral wrong in *robbing* or *cheating* a negro. I can, perhaps, give a better idea of the demand for labor by an actual occurrence, than in any other way. A few days before I left for Arkansas, Doctor McGavock called to see me; he owns three plantations in Arkansas, about 50 miles above Memphis; he was formerly a large slave-owner, but has been and is a Union man; he treats his negroes as *free*. Two of his plantations are now supplied with white laborers, (Irish;) on the other two freedmen are employed. He is desirous of obtaining freedmen for all, and offered \$20 per month for men and \$15 per month for women, by the year. I made inquiry at Helena and Little Rock, but there were no laborers to be had; all that were able to work were employed. On my return I saw the doctor in Memphis, and referred him to General Tillson, superintendent at Memphis.

I respectfully state, in my opinion, the general welfare will be promoted, if it shall be the policy of the government and this bureau to lease and sell lands, in small quantities, to all negroes who have, or may prove themselves worthy. The experiments, so far as tried in this district, have been attended with the best results. If this is done under proper regulations, industrious, prosperous, and *loyal communities* will be established, which will largely contribute to the public wealth and welfare.

I would earnestly but respectfully recommend that, in making leases of abandoned or confiscated lands for next year, preference be given the freedmen over white applicants who seek to obtain large plantations. I believe if this system is carried out wisely, after the coming winter is past, it will not be found necessary to issue any subsistence from the public stores.

Respectfully referring you to the various sub-reports herewith enclosed for information in relation to schools, I desire to add that the most wonderful avidity is manifested by the colored children to learn, and their parents are anxious to support their own schools. I attended a colored church in Little Rock, where a colored preacher presided and conducted the services; after they were closed he announced to the congregation that they employed eight teachers at \$20 per month, and that, with other items, made the expenses for June about \$175. He stated that there was a deficiency of \$75, and asked the congregation to make

up the amount. Their contributions were sent up and counted, and it was found that there were forty-three dollars over the amount required. I cannot too highly commend the efforts and labors of the benevolent associations and teachers who are laboring to open the minds of the freedmen. I must express a regret that it was thought best to stop the issue of rations to teachers. Every good teacher is worth a score of rations to government, as they by their counsels and labors render efficient aid in preparing these people to become valuable members of the body politic, instead of being, as they have been, burdens. In a conversation with Colonel Charles Bentzoni, commanding district of east Arkansas, in relation to freedmen, he expressed some views which I requested him to reduce to writing, and I respectfully submit the same for your consideration. I was much pleased with the condition of affairs as I found them at Little Rock, under the charge of Major W. G. Sargent, general superintendent and provost marshal, department of Arkansas; Lieutenant James H. Raines, superintendent and acting assistant quartermaster, Little Rock; Captain Henry Sweeney, superintendent and provost marshal, district of east Arkansas, to whose reports I respectfully refer you with pleasure, and Captain S. W. Mallory, superintendent and provost marshal, Pine Bluffs. I respectfully recommend these officers for promotion by brevet, for faithfulness and efficiency in the discharge of their respective duties. Such recognitions are well deserved, and if conferred, will stimulate other officers.

Being compelled to select all my assistants from the army, the rapid mustering out of regiments and other military organizations has necessitated such frequent changes of officers in important positions, that I have been embarrassed in conducting the affairs of the bureau in this district.

I respectfully refer to the following enclosures :

Report of Major W. G. Sargent, general superintendent of Arkansas, marked A.

Report of Captain Sweeney, superintendent of eastern Arkansas, marked B.

Consolidated report of Missouri and Arkansas, marked C.

Report of Surgeon A. B. Monahan, medical director, marked D.

Communication of James E. Yeatman, esq., president Northwestern Sanitary Commission, marked E.

Communication of Colonel Bentzoni, marked F.

I am, general, very respectfully, your obedient servant,

J. W. SPRAGUE,

Brigadier General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c.

Report of South Carolina and Georgia, by Brevet Major General R. Saxton, assistant commissioner.

CHARLESTON, S. C., December 6, 1865.

GENERAL: I have the honor to submit the following report of my operations in connexion with the bureau since my assignment to duty with it, per General Order No. 238, current series, from the War Department, appended and marked A. Previous to this time, and to the organization of the Freedmen's Bureau, I had been on duty as inspector of settlements and plantations, by virtue of Special Field Orders No. 15, headquarters military division of the Mississippi, herewith appended, and marked B. I have continued to act under this order to the present time. Circulars Nos. 1 and 2, appended, and marked C and D, were issued upon entering upon my new duties. My official action has been guided by the principles expressed in them. In the month of August I was relieved

from the charge of Florida by Colonel T. W. Osborn, who was appointed assistant commissioner for that State, and Brigadier General E. N. Wild was appointed sub-assistant commissioner for Georgia. In September he was relieved by Brigadier General Davis Tillson, who was appointed acting assistant commissioner for that State, under whose entire charge it has since remained. General Orders No. 8 regulate the marriage relations of the freedmen; it is marked F, and appended. Circular No. 3, marked G, is also appended.

In compliance with your orders, I seized for this bureau large tracts of abandoned lands, estimated to amount to 312,014 acres, and a great number of houses (120) were transferred by the Treasury Department to the custody of this bureau. Under the provisions of circular No. 15, from the War Department, these have mostly been restored to their former owners.

General Orders No. 16, appended and marked I, announce the assignment of staff officers and the appointment of superintendent of education. Appended, also, is circular No. 4, which provides for the apprenticing of orphans. Circular No. 5 applies to the labor question, and urges the freedmen to enter into contracts with the land-owners for the cultivation of the soil; it is appended, marked K. Document L, appended, is a copy of a circular letter addressed to each officer and agent on his assignment to duty with the bureau, which, with the other instructions from your own and these headquarters, were to serve as the guide of his official action. To provide for the orphans, discourage vagrancy, encourage industry and thrift, I issued, in accordance with instructions from yourself, circular No. 4, which, I am well assured, will prove of great benefit to the parties concerned. The great question which, of course, lies at the foundation of all the efforts of the government to promote the well-being of the freedmen, through the agency of this bureau, is the labor question. Will the freedmen work? Can these rice and cotton fields be cultivated by the voluntary paid labor of the freedmen? The difficulty which has been found in the way of the immediate solution of this important question has been the natural disinclination of all the human race to labor, unless compelled to do so. This disinclination is shared by the freedmen in common with other races of men, and, so far as my observation extends, to no greater extent. Until they were emancipated, as a general rule the only stimulus to work was the fear of punishment. Faithful labor scarcely benefited their physical condition, and, as a natural consequence, they were only industrious to the extent necessary to escape punishment for idleness. The old stimulus to industry having now been removed, and that of freedom—the necessities of the laborer—substituted, it is to be expected that there should be an interruption of labor—a natural feeling of relief from restraint. The entire want of capital on the part of the planters to pay for labor is undoubtedly the principal reason why the planters cannot at present secure all the labor they require. As a rule, the freedmen are ready to work where they are sure of receiving their pay. Their confidence in their former master is not yet sufficient to cause them to accept his promises to pay, as such promises cannot relieve their present necessities. The great want is money, and those who are so fortunate as to have it at the commencement of their agricultural operations will, if they pay fair and regular wages, be able to secure all the labor they may require.

The impression is universal among the freedmen that they are to have the abandoned and confiscated lands, in homesteads of forty acres, in January next. It is understood that previous to the termination of the late war the negroes heard from those in rebellion that it was the purpose of our government to divide up the southern plantations among them, and that was one of the reasons urged for greater activity on the part of the late rebels. Our own acts of Congress, and particularly the act creating this bureau, which was extensively circulated among them, still further strengthened them in the belief that they were to possess homesteads, and has caused a great unwillingness upon the part of the freed-

men to make any contracts whatever; but this refusal on their part arises from no desire to avoid labor, but to the causes above stated. All the officers and agents of this bureau have been instructed to do everything in their power to correct these impressions among the freedmen, and to urge them in every possible way to make contracts with their former owners; but so deep-seated a conviction has been found difficult to eradicate, and, although many contracts have been made, I doubt not that much greater success in this direction will attend our efforts in the future.

The question of next importance has been the status of the sea islands. By General Sherman's order, appended, and in accordance with its provisions, some forty thousand destitute freedmen, who followed in the wake of and came in with his army, were promised homes on the sea islands, and urged by myself and others to emigrate there and select them. Public meetings were called, and every exertion used by those whose duty it was to carry out the order to encourage emigration to the sea islands. The greatest success attended our efforts, and although the planting season was very far advanced before the transportation to carry the colonists to the islands could be procured, and the people were destitute of animals, and had but few agricultural implements with which to work the ground, and the greatest difficulty in procuring seeds, yet they went to work with much energy and diligence to clear up the ground which had run to waste by three years' neglect. Thousands of acres were cleared up and planted, and provisions enough were raised to provide for those who were located in season to plant, besides large quantities of sea-island cotton. Considering the obstacles to be overcome, it must be admitted that the first year's experiment of freed labor on the sea islands has been a success, far beyond the most sanguine expectations of its friends. There are those who claim that this grand experiment for free labor has failed, because, amid all the confusion and interruption caused by the operations of our contending armies, not as much cotton or corn has been produced as under the old slave system. The friends of freedom can afford to wait for the future to demonstrate whether it is a failure or not.

On some of the islands the freedmen have established civil government, with constitutions and laws for the regulation of their internal affairs, with all the different departments for schools, churches, building roads, and other improvements. In short, few new communities have ever made a fairer start than have these freedmen of the sea islands. The former owners have recently been using every exertion to have these lands restored to their possession, and to secure this end promised to make such arrangements with the freedmen as to absorb their labor, and give them homes and employment on their estates. The officer detailed by yourself to restore these lands has been unable thus far to make any arrangement, nor do I believe it will be possible for him to make any satisfactory arrangement. The freedmen have their hearts set upon the possession of these islands, and nothing but that or its equivalent will satisfy them. They refuse to contract, and express a determination to leave the islands rather than do so. The efforts made by the former owners to obtain the possession of the lands have caused a great excitement among the settlers. Inasmuch as the faith of the government has been pledged to these freedmen to maintain them in the possession of their homes, and as to break its promise in the hour of its triumph is not becoming a just government, which can only live in the hearts of its whole people, I would respectfully suggest that a practical solution of the whole question of lands, embraced in Special Order No. 15, may be had by the appropriation of money by Congress to purchase the whole tract set apart by this order, have a fair and liberal assessment of its value made, and offer to pay to the former owner that sum, or give him possession of the land, as he may elect. In case he should prefer the land to the money, then pay the money to the freedman who occupies it. I can assure the government that this arrangement would satisfy the freedmen and some of the former owners. It would maintain

the good faith of the government, and, in addition, the freedmen who received lands under the provisions of such a law, would eventually refund to the government the cost of the land. The passage of a law like this would relieve the government of a most difficult question now at issue between the planters and the freedmen, and would be just to all parties.

I am able to report a satisfactory condition of schools for the children throughout the department. It is estimated that in South Carolina no less than 6,000 colored children are being educated. The various benevolent societies have placed teachers in the field, earnest and accomplished men and women, whose labors are destined, more than any other, to aid in the solution of this great problem of the age.

The day cannot be far distant when the value of their services will be acknowledged, and the freedmen's relief associations of Boston, New York, and Philadelphia will be honored by the record of the great services rendered to this poor, degraded, unfortunate race by their representatives, who at the sacrifice of personal comfort and social enjoyment have been brave enough to come here as humble instructors to this degraded race to aid in this great work of atonement for wrongs inflicted upon them. These teachers of the freedmen deserve to be and will be honored.

In obedience to what seemed an urgent necessity, and to prevent suffering and loss of life among the people whose interests were committed to my care, I addressed letters to several of the freedmen's aid associations, setting forth the necessities of the people as regards clothing and blankets necessary to protect the destitute from the cold in the approaching inclement season. Thus far they have most generously responded to my call, and large quantities of blankets and useful articles of clothing for women and children have been received, which will be the means of saving the lives of many who would otherwise have perished from cold. White refugees, as well as freedmen, received the benefits of this charity. The care and distribution of all articles received is committed to the hands of Captain J. P. Rutherford, assistant quartermaster, who is specially assigned to this duty. The greatest care is taken in the distribution of the articles sent, and at the close of the season Captain R. will make a full report of all articles received by him for the freedmen and refugees, and of their disposition, for the information of the different benevolent associations who have furnished them. For the present there must be large demands made upon the charity of the government.

The complete change in the organization of society, the transformation of an entire people from slavery to freedom, the desolation of war, and the consequent interruption of industry, must cause more or less suffering. The seeds have not been planted nor the crops harvested, and vast quantities of the necessities of life have been destroyed by fire, and there is a scarcity of food in the land for present needs.

The want of confidence existing between the freedmen and the landholders, neither of whom have any faith in the other, and the want of capital to pay for labor, are some of the questions which this bureau has had to meet and solve. They are difficult and important.

In my administration of the affairs of this bureau, it has been my earnest endeavor first to carry out faithfully all my orders, and, in cases where discretionary power was given me, I have aimed to be just to all, irrespective of color or condition, to try to break down all antagonisms, encourage friendly feelings between the freedmen and their former owners, by showing them that their interests were identical, and that each should be just to the other, and respect all the other's rights. Fully conscious of the importance of maintaining friendly relations with former masters, I have been scrupulously careful to be just to them, and not to exercise any authority not clearly set forth in my instructions. I have only asked simple justice for those committed defenceless to my care,

contented oftentimes not even to secure this, carrying the olive branch where conviction would have declared for the sword of justice. I have not always been met in the same spirit. The hard lesson which the former slaveholder has to be taught, to treat those he owned as freemen, and to deal justly with them, is not to be learned in a day. It is, however, being learned as rapidly, perhaps, as could be expected. In good time they will see that exact justice is the wisest expediency and truest policy, and that free educated labor is the most profitable.

The medical department of the bureau, in this State, has been under the control of Surgeon DeWitt, a most faithful and skilful officer, who, in spite of all the many discouragements and obstacles in his way at the outset, has succeeded in overcoming them all. His department is well organized and thoroughly efficient, so far as he has been able to extend it, and has accomplished the objects for which it was established. In its mission of mercy to suffering humanity it has been eminently successful.

The abandoned house of Mr. Memminger, formerly the secretary of the treasury for the so-called confederate government, was recently set apart as an asylum for the destitute colored orphans in the department. It now contains some sixty orphans between the ages of one and twelve years, has accommodations for two hundred, and will probably soon be filled. These children are being clothed and educated by the benevolent associations of the north, and are fed by the government. Mr. Redpath, jr., is in charge. When suitable homes can be found for them, these orphans are apprenticed in accordance with your directions. I commend this noble institution to your most favorable consideration.

The South Carolina Freedmen's Savings Bank, which I established in October, 1864, and which was continued under my charge after my assignment to my present position, I have recently transferred to the National Freedmen's Savings and Trust Company. In making this transfer I published the circular letter herewith appended, marked P. The history of this bank is given in it, and it is interesting, as showing that some of the freedmen, at least, care for the future, and that not all of them, as is frequently asserted, think only of to-day. With regard to the future of the freedmen, their present condition, degraded and unfortunate as it now may seem, is more hopeful than at any period of their history. If we are just to them, time will solve the labor question, and all others relating to them, for the best interests of humanity. The government, through the Freedmen's Bureau, should be their teacher, guide, and protector for the present. Having made them free by its own acts, it is bound to stand by them until such time as the State governments shall grant them such civil and political rights as shall be necessary to their own safety and protection. I would therefore urge the importance of the continuation of this bureau for the present, as it is now the only place where the freedman, who is injured in his person or property, can lay his complaint with any hope of redress.

In these peculiar and delicate duties I have been greatly aided by my able and efficient staff, whose zeal and interest in this work has never seemed to flag. They have given me their earnest and hearty support and co-operation at all times. In the performance of their varied and difficult duties they have deserved and received my unqualified approbation. I respectfully commend them to your favorable consideration.

The lists of all officers and agents of the bureau in the State under my charge, with the other monthly reports, contain all the statistical information at present in my possession.

I am, sir, with great respect, your obedient servant,

R. SAXTON,
Assistant Commissioner.

Major General O. O. HOWARD,
Commissioner Bureau Refugees, &c.

Summary report of Virginia, by Colonel O. Brown, assistant commissioner.

RICHMOND, VA., November 31, 1865.

GENERAL: In compliance with instructions, I have the honor to submit the following report of the operations of the Bureau of Refugees, Freedmen, and Abandoned Lands in that portion of Virginia under my charge:

In obedience to orders from the headquarters of the bureau, the assistant commissioner entered upon the duties of his office at Richmond, June 15, 1865. Previous to this time no uniform system had been adopted for the management of freedmen's affairs, and the control of these matters was in the hands of the several commanders of the military districts.

The larger portion of the State having been so recently overrun by contending armies the usual business avocations were almost entirely suspended, and large numbers of the laboring population were collected in camps, or located on abandoned farms, or obtained a precarious subsistence on charity and the fruits of irregular employment. In the neighborhoods of Norfolk, Fortress Monroe, and Yorktown about seventy thousand had been collected during the war. From among these from eight to ten thousand recruits for the army had been enlisted. Many other of the able-bodied men had found employment in the different staff departments of the army, leaving their families in this district partially dependent on the government. In other districts thousands of freedmen were roaming about without settled employment and without homes. In localities least disturbed by the presence or conflict of armies, and where the average amount of land was under cultivation, the crops were suffering from want of proper attention, the planter being unwilling to acknowledge his late slave a freeman by becoming a partner with him to a contract, and the freedman conscious that no further service was "due" from him, and wishing to satisfy himself that he was really free by exercising his liberty to leave his old master.

Eighty-five thousand six hundred and forty-seven (85,647) acres of land were held in the State, exclusive of that in the counties of Loudon and Fairfax, for the benefit of the freedmen. Some of these lands were worked by them on shares, some by government, the freedmen being paid wages; some even rented to them, some were occupied as homes for those who were unable to pay rent or to support themselves, while others, on account of their location, were unoccupied.

The problem to be solved was, how to provide for the protection, elevation, and government of nearly half a million of people suddenly freed from the bonds of a rigorous control, acquainted with no law but that of force, ignorant of the elementary principles of civil government and of the first duties of citizenship, without any provision for the future wants of themselves and families, and entertaining many false and extravagant notions in respect to the intentions of the government towards them.

The citizens generally afforded no assistance in meeting these difficulties. Stripped to a great extent of ready resources by the operations of the war, they were unable to allow these people their just dues, much less any charitable assistance. In some sections of the State public meetings had been held, and the citizens had entered into covenant not to pay more than five dollars (\$5) per month to able-bodied men, not to rent lands to the freedmen, nor to give employment to any without a certificate from their former owners. Many of the citizens, under the control of tradition, habit, and education, only sullenly acquiesced in the freedom of their former slaves. They regarded the colored population as necessarily and appropriately servile and unfit for freedom, and, stimulated by the feeling that the late slaves were in some way responsible for the failure of their cause, they were wholly disqualified from co-operating in the work of the bureau.

Another class, numerically small, but of the best talent, culture and influence, not only accepted the situation, but, with a wise foresight and noble patriotism, were ready to co-operate with the government for the speediest restoration of tranquillity and law, and to assist the bureau in its endeavor to bring the highest good to all classes out of present evils. A third and more numerous class, because forced to acknowledge the freedom of their former slaves, wished either to effect their entire removal from the State, or to bind them by such contracts as would allow them but little more freedom than they formerly possessed.

The work of the bureau was organized by dividing the State into eight districts, with one assistant quartermaster as superintendent of each, to whom all property in use by the bureau within the district was turned over.

The superintendents were instructed to divide their districts into convenient sub-districts, each county constituting one sub-district, except when the colored population of a county was less than 5,000, in which case two or more counties were to be united, and to apply to the commander of the military district for an officer to act as assistant superintendent over each sub-district.

The superintendents were further instructed to protect the negroes in their rights as freemen, to see that they were not in any way oppressed by their former masters, and to cultivate friendly relations between the two classes; to assist in the organization and maintenance of schools; to discourage as far as possible the disposition of the freedmen to remove from one locality to another, except so far as it might be necessary for uniting members of separated families, or to find profitable employment; to urge upon them the importance of making contracts for their labor, and to fulfil the same when made; to aid them by their advice when necessary to prevent their being defrauded, but in all other cases to leave them free to make their own bargains; to furnish rations, medicines, and medical attendance for the helpless and destitute, not provided for by their former owners, but not to issue rations to persons able to work for whom employment could be found; to require assistant superintendents to keep registers of all colored persons in their sub-districts, and to aid such in finding remunerative labor. If, when labor was found for such persons, they neglected to avail themselves of it, they were to be treated as vagrants. Superintendents were ordered, either themselves or through their assistants, to adjudicate upon all cases arising between the freedmen themselves, or between freedmen and whites, including crimes committed by the freedmen, in which the penalty should not exceed imprisonment at hard labor for a period of three months, or a fine of one hundred dollars. All other cases were to be referred to competent military authority. Subsequently the assistant superintendents were ordered to invite the whites and the freedmen of their respective sub-districts, each class to select for itself a suitable person to assist in the performance of this duty.

From the want of funds to employ civilians, the bureau has been obliged to depend, for the management of its affairs, almost exclusively upon details of officers and men from the army. Some of these officers have been eminently successful in the discharge of their duties, which are often very delicate and difficult. But many of these details have been of persons who had little sympathy with the duties to which they were assigned. The duties of the bureau being peculiar, and requiring experience for their proper performance, injurious results have followed the constant changes in its officers, made necessary by the mustering out of troops. But few assistant superintendents have occupied their positions for three consecutive months, while in many sub-districts the changes have been more frequent.

Notwithstanding these obstacles to a uniform and efficient administration of the affairs of the bureau, important progress has been made in the work undertaken.

The late slaves have been fully protected in their rights as freedmen, and the exceptional instances where their rights were for a time denied are no longer heard of. It is believed that there is not within the State a person who does not understand and successfully assert his rights to freedom. The extraordinary eagerness of the freedmen for the advantages of schools has been met, as far as the resources of the bureau and the charitable zeal of its friends abroad would allow. There are at present about eleven thousand five hundred pupils receiving instruction from one hundred and ninety-five teachers. Numerous urgent appeals have come from remote and isolated localities for teachers and books, to which it has been impossible to respond for want of school-rooms and suitable quarters for teachers. Their progress in learning is such as would warrant a much larger expenditure in money and effort. Many citizens, adhering to the ideas and customs of the past, strongly oppose these movements, while others indorse and encourage them. The sentiment of the community is gradually changing in favor of educating the freedmen.

The irritation existing between the whites and the freedmen immediately after the cessation of hostilities has greatly abated, and instances of personal violence are becoming more rare. There is, however, much for the citizens to learn in regard to the best management of free labor, and much for the late slaves to learn in regard to their duties as freedmen. The attempt to introduce the contract system, so essential to the reorganization of the labor of the State, is embarrassed by many difficulties. The master has been unaccustomed to sustain to the laborer the relation which this system implies, and seeks to retain by contract much of the power which the slave system formerly gave him, and the freedman has yet to learn properly to appreciate the obligations which he assumes in making a contract. A further embarrassment is found in the excess of laboring population over the supply of profitable labor. It is impossible for the employers, even with the best intention, to give all the laborers such wages as their support and that of their families require. It is believed that this evil cannot be wholly remedied without the emigration from the State of at least fifty thousand freedmen.

The disposition to roam from place to place, and especially to leave the country for towns and camps, is almost entirely corrected; there is very little changing of location, except when necessary to provide the means of subsistence. They are generally contented with such arrangements for their services as can be made, and are seeking homes and employment that promise to be permanent.

The capacity of the freedmen of Virginia to take care of themselves, even under adverse circumstances, is best shown in the southeastern part of the State. During the war nearly seventy thousand were gathered here, on a limited territory, in extreme destitution, and yet at this time only four thousand four hundred and twelve are receiving government aid, and about one-half of this number are of the families of soldiers. Many have rented or purchased comfortable homes, some have saved considerable sums of money, and nearly five thousand of their children, decently clad and furnished with books of their own purchasing, are attending schools.

During the month of July it was impossible to ascertain the number of rations issued to freedmen, as the provision returns of both whites and blacks were consolidated.

There were issued, on returns signed by the officers of the bureau, during the month of August, one hundred and seventy-eight thousand one hundred and twenty (178,120) rations, to fifteen thousand seven hundred and seventy-nine (15,779) persons. Besides these, issues were made, by military authority, in localities to which officers of the bureau had not been assigned.

In September the entire issues to freedmen were made by officers of the bureau. The whole number of rations issued during the month to sixteen thousand two hundred and ninety-eight (16,298) persons was two hundred and seventy-five

thousand eight hundred and eighty, (275,880,) or nine thousand one hundred and ninety-six (9,196) per day. During the month of October there were issued two hundred and thirty-five thousand seven hundred and eighty-six (235,786) rations to eleven thousand six hundred and twenty-two (11,622) persons, or seven thousand six hundred and six rations per day; the number of persons receiving rations being reduced from the previous month thirty (30) per cent.

The requirements of the freedmen for medicines and medical attendance have been met, as far as the limited resources of the bureau would allow. Eight hospitals have been organized, and fifteen medical officers employed, and, in addition, much valuable voluntary assistance has been rendered in treating the sick by medical officers of the army and by citizen physicians. The total number of refugees and freedmen treated has been about four thousand three hundred, (4,300.) The number at present under treatment is about seven hundred, (700.)

In addition to the land held by the department of negro affairs, there have been turned over to the bureau eleven thousand one hundred and five (11,105) acres, making a total of ninety-six thousand seven hundred and fifty-two (96,752) acres that have been under its control. Of this land, forty thousand seven hundred and fifty-one (40,751) acres have been restored, leaving on hand fifty-six thousand and one (56,001) acres.

The rights of the freedmen in the crops and improvements on the land restored have been secured. The result of the cultivation of these lands by the freedmen is not yet known, as the crops have not been fully harvested, but it is believed to be satisfactory.

The special courts organized for the freedmen are successfully accomplishing the ends aimed at in their establishment, and are giving general satisfaction. By them justice has been more generally received than could have been done by any other available means.

Notwithstanding the many embarrassments under which the bureau has labored, it is believed to have succeeded in promoting the welfare of the class in whose interest it was created, and to have afforded important aid in securing good order in the State.

Whatever success the bureau in this State may have achieved is largely due to the cordial sympathy and assistance it has uniformly received from the major general commanding the department.

I am, general, very respectfully, your obedient servant,

O. BROWN,

Colonel and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c.

Report of Texas, by Brigadier General E. M. Gregory, Assistant Commissioner.

GALVESTON, December 9, 1865.

GENERAL: I have the honor to make the following report, which, though brief, I trust will give you such information in reference to the operation of the bureau in this State, and the present condition and future prospects of the freedmen, as may be satisfactory.

From the most reliable information I can obtain from my sub-assistant commissioners, the planters, farmers, and business men, as well as from personal observation, during a journey of some seven hundred miles through the cotton-growing regions of the State, I believe the crops of all kinds are garnered, and that we have an abundant supply of subsistence to meet the demands of all, white and black, for the coming year. The cotton crop, although probably not more than

one-half as large as it has been some previous years, was so well gathered, and demands such high prices, that it will bring more wealth into the State than any which has heretofore been thrown into the market. This has been accomplished, principally, by the labor of the freedmen, and at a time, too, when under the influence of the excitement incident to their transition from bondage to freedom, and while they were more or less unsettled and undecided in their purposes. If such results have been produced by free labor, trammelled as it has been during the period of its inauguration by innumerable adverse interests and prejudices, may we not reasonably expect from it, when fully and thoroughly established, still greater and largely increased crops, and a corresponding increase in the wealth of the nation? Indeed, but little complaint has been made by their former masters, and even they, notwithstanding their hostility to everything pertaining to freedom, in some instances have admitted that free labor will not only materially enhance the value of their property, but that it will infuse a spirit of enterprise, industry, and thrift, and that they will thereby become more virtuous, intelligent, and prosperous.

On the 10th ultimo I left Galveston, in company with Inspector General Strong, and travelled twenty-one days in the interior of the State, he taking one direction and myself another. During that time I met and addressed about 25,000 freedmen and planters. In doing so, my efforts were directed to impressing upon the minds of both the necessity and importance of turning their attention to the preparation demanded by the business of the coming year, and in instructing the former in their rights and duties. I found that but few contracts had been made by employers and employés. Such as had been made were verbal ones. I urged them to contract at once, (furnishing them with a form,) beginning the first of January and ending with December, and thereby get themselves and their families comfortably settled on some plantation, and, if possible, to remain where they have been born and raised; and where all their family ties and associations are, if they were kindly and properly treated, as this course would be more pleasant, satisfactory, and profitable to all parties. I have recommended to them that they labor for a fair compensation in money, or a portion of the crop; and that if any of them possess the means, they purchase and cultivate such lands as they desire. The freedmen are well informed as to the value of their labor, as some of them have been hired out by their former masters ever since they have been of a sufficient age to make their labor profitable, and are not likely to be imposed upon by their employers. I have also endeavored to disabuse their minds of the false impression which has been made thereon by the rumor which some designing and evil-disposed parties have very industriously circulated among them, that on or about Christmas they would be placed in possession of the property of their former masters.

In our intercourse with the freedmen we have found them kind, courteous, and well disposed towards all. Rumors are freely circulated in different portions of the State that there is danger of an insurrection. This we do not believe, from the fact that irregularities and disturbances are becoming less frequent every day. If, however, one does occur, it will be brought about by the action of the whites, and not the freedmen, who, although somewhat elated by the possession of that long-wished-for blessing, (freedom,) have not and will not commit any act of aggression or lawlessness, but will quietly settle down in the "enjoyment of life, liberty, and the pursuit of happiness." Since we have visited and spoken to the freedmen, we find that many who have heretofore refused to contract are now doing so, as their contracts are being forwarded to us for our approval; and from what we can learn from the sub-assistant commissioners, we fully believe that the work of adapting employers and employés to the circumstances by which they are surrounded is progressing rapidly.

The freedmen are, as a general thing, strongly impressed with religious sentiments, and their morals are equal, if not superior, to those of a large majority

of the better informed and educated. We find them not only willing but anxious to improve every opportunity offered for their moral and intellectual advancement, and they are constantly inquiring for books and tracts of a religious character, there being some few among them who can read. Hence, we have had but little difficulty in opening and organizing schools, all of which, so far, we are pleased to be able to state, have been self-sustaining. We regret that we are compelled to report that we have not been able to give this portion of our labors that attention which its importance demands. This is owing, however, to the absence of Lieutenant Wheelock, our superintendent, and the want of proper books and a sufficient number of teachers. The lieutenant is now in New Orleans. The cause of his detention is, we presume, fully understood by you. We are daily expecting him to return, with such books and help as he may have been able to procure. Both are essentially necessary, if we improve in the future upon our past efforts. Some liberal-minded planters and business men have kindly and voluntarily offered us their assistance, and are doing all they can for the cause of education. What effort has been directed in this channel has been eminently successful, and we doubt not we will be able to show a marked and decided improvement in this department of our labors in our next report.

The business of that portion of the State through which I have passed has been but little affected by the war. The planters are wealthy, crops are good, and nowhere are to be seen evidences of suffering and want. But few cases of destitute and impoverished freedmen have come under our observation. These we have relieved as best we could, there being no poor or alms houses in the State. The health of the freedmen is good, as will be seen by the report of the surgeon-in-chief, S. J. W. Mintzer.

The testimony of freedmen is admitted in the courts of some of the judicial districts of the State, while in others it is excluded. It is my opinion that their rights are not properly acknowledged and guarded by the judiciary; but still there are encouraging indications that ere long they will receive that consideration to which they are entitled under the laws of the United States, and by the proclamation of the President.

Some few difficulties have occurred between the blacks themselves, and the whites and blacks. These we have endeavored to adjust equitably and justly. In the settlement of differences which have grown out of past transactions of a business character, we have pursued such a course as will insure to the freedman all the rights and privileges to which he is lawfully entitled.

In some portions of the State, and especially is it the case where our troops have not been quartered, freedmen are restrained from their liberty, and slavery virtually exists the same as though the old system of oppression was still in force. The freedmen do not understand their true status, and their former masters, although acknowledging them to be free, practically deny the truth by their acts. With this class of men (and a few of the editors who still continue to misrepresent the object for which this bureau was instituted) we have more difficulty than any other, as they refuse to pay the laborer his hire, and it seems almost impossible for them to deal justly and honestly with him. This is owing, perhaps, to the fact that heretofore they have had his labor without compensating him therefor. In this respect, however, there are evidences of improvement, and I trust that in the future there will be less cause for complaint on this account. They must pay them, if they expect to employ "laborers worthy of their hire."

Owing to the vast extent of territory embraced in my district, I find great difficulty in procuring a sufficient number of officers who can render me that assistance, as sub-assistant commissioners, which is necessary to a proper discharge of my official duties. But few, comparatively, feel and manifest that interest in the advancement of the freedmen that they should.

Your letter of instructions of October 4, 1865, so far as it relates to apprentices, cannot be applied here, as there is no such a law in the State. Any instructions that you may have, which would be applicable in this case, will be thankfully received.

The military authorities of this department have rendered us all necessary assistance.

My present labors are directed to the uniting of capital and labor. If I succeed in inducing the freedmen to settle down and enter into contracts with the planters—this accomplished, labor is applied to capital, future want and its attending train of evils will be driven from our midst, and the freedmen will become an educated, prosperous and happy race of people. This, by the blessing of God, I believe I will be able to accomplish. I can do so in no way so rapidly and effectually as by visiting and talking with them. For this purpose, I contemplate leaving here in a day or two for another town in the interior, from which I do not expect to return until after the first of January.

In the mean time, I am, general, yours, very respectfully,

E. M. GREGORY.

Brigadier General, Assistant Commissioner.

Major General O. O. HOWARD.

Commissioner Bureau Refugees, &c.

Memorandum of report of General Gregory for November.

Believes that all the crops are garnered, and that there is subsistence enough for all, for the coming year.

The cotton crop, although about half its usual size, will bring more wealth into the State than any previous one has. This has been made by the freedmen while in a transition state, and expects largely increased crops when the free labor system is developed. The former masters, although disbelieving in freedom, acknowledge that it will increase the value of property, and infuse a spirit of enterprise, and cause more intelligence, virtue and prosperity.

For twenty-one days was in the interior of the State with General Strong, and addressed 25,000 freedmen and planters, and urged contracting, furnishing forms. Found few contracts made, and these only verbal. Endeavored to disabuse their minds of the maliciously circulated report of the division of lands and property at Christmas. The rumor of the insurrection is unfounded. The freedmen are anxious to learn; schools self-sustaining, but lack books and teachers.

Business is little affected by the war; planters are wealthy; but few cases of destitution, and these speedily relieved. The health of the freedmen is good. The colored man's testimony is received in some courts, in others excluded. In some parts of Texas, slavery virtually exists. The planters acknowledge their slaves to be free, but deny it by their acts, by refusing to pay them. There are evidences of improvement, however. Has so much territory, that he has great difficulty in finding a sufficient number of sub-commissioners, and few of these manifest proper interest in the work.

Is no apprentice law in Texas, so he cannot apply circular letter, October 4. Wishes for instructions in this. Military authorities have rendered all necessary assistance. Intends making another tour to last till 1st January, to urge contracting.

Summary report of the District of Columbia, by Brevet Brigadier General John Eaton, jr., assistant commissioner.

WASHINGTON, D. C., December 15, 1865.

GENERAL: I have the honor to submit the following report of the operations of the bureau specially under my direction:

Your circular No. 4, requesting all officers or agents in any way connected with the care of refugees and freedmen in this department to report to me, brought together all official statements, and much other valuable information. Much had been done by the government and by the benevolent since this necessity first arose, especially during the preceding winter.

A tax levied upon the colored men employed in the staff departments of the army had furnished the funds from which expenditures had chiefly been made.

No lands were reported, save those in charge of Captain J. M. Brown, assistant quartermaster, and known as government farms, in Virginia and Maryland.

Much had been accomplished in the way of education; but no definite and complete report could be made out of the material furnished.

Relief establishments were in existence in this city, and at Freedmen's Village and Mason's island, under Captain Carse; at Alexandria, under Chaplain Ferree; and on the government farms in Maryland, under Lieutenant O'Brien.

The work of reduction had been commenced, but the negroes had gathered here, as at a city of refuge, for safety from their bitter foes; they saw whence they came only the tortures and terrors they had escaped. Many women and children had no adult male support; the men had been run off by the enemy, or gone into our military service; they could not turn back, and the north was not, generally, inviting to them; so the work attempted was difficult. But industry in the cities was over-supplied, and was being rapidly reduced by the discontinuance of government work. The great armies, too, just coming from the field, left here their surplus servants.

At once I began to send out officers to explain and enforce the new relations of whites and blacks in the surrounding country, and, with your approval, with little regard to territorial limitations.

A hearty spring to industry, it was easily seen, could, so late as the organization of the bureau, do much to raise from the fertile soil something with which to meet the sure necessities of the coming winter. There was a general disposition manifested to take advantage of the inexperience of the negroes; but they received news not only of their liberty, but its labors, gladly, and generally arranged for the season's work at once, when still at their former homes. Unfortunately, the old masters often found it difficult to treat as free those so lately slaves, and for whose enslavement they had fought so fiercely, and against whose liberation they had cultivated ignorant prejudices for so many years. Complaints centred here from a wide extent of country, and were listened to with the same liberality of boundaries. Families, torn asunder by the various forms of violence which had become an essential part of slavery, came with their tears and sighs for reunion. Now and then an old master, still holding to the idea of chattels, resisted.

Husbands and wives, fathers and mothers, sons and daughters, brothers and sisters, limited by no shade of color or grade of intelligence, sought each other with an ardor and faithfulness sufficient to vindicate the fidelity and affection of any race—the excited joys of the regathering being equalled only by the previous sorrows and pains of separation.

Mothers, once fully assured that the power of slavery was gone, were known to put forth almost superhuman efforts to regain their children, travelling any distance, daring any perils, and even beating the pugnacious specimens of Chris-

tian chivalry in hand-to-hand conflict, and bearing off in triumph the long-sought child. Wisdom, however, was required in the aid we rendered, for, sometimes, the mother was not sufficiently emancipated from the brutal ideas of her bondage to understand the duties of a Christian parent.

By the application of the various simple instrumentalities at hand, with the issue of few orders, abuses began to decrease, and the surplus population here to work off. Operations of the bureau were specially required, and equally difficult to conduct. Congress had fixed liberty in the District of Columbia, and Maryland for herself. Both of these exercised their respective civil functions, and were supposed to have them in full force, and the adjacent counties of Virginia sought the same immunities.

The formal conflict of arms had ceased over all the country. Peace, with its simple instrumentalities, was the end and aim of the entire government. The whole military machinery was being taken down, and transformed to the uses of peace. The display of any military power was against the prevailing spirit. We had, as it were by a "right-about face," returned to the spirit so averse to war, which animated us before the outbreak of the rebellion. A military officer, especially if he had anything to do with the negro, was found to be peculiarly abhorrent in sections of the surrounding country. Indeed, rebels had not altogether laid down their arms. Here and there a desperado or two still stealthily continued the struggle, shooting a Union man, or officer, or soldier; or, not daring to do that, the unarmed and defenceless negro, especially if he dared, in anything, to claim his proper liberty. On this line the old spirit of slavery remained. Oaths, amnesties, special pardons, the dower of peace, the demands of self-interest, with some were not enough; a negro still was the proper object of their warfare. Fortunately, the military character of the bureau was adapted to meet this continuance of the struggle between the government and slavery.

But the continued exercise of this war power, in the midst of the general reduction of the military force, and of the undisturbed civil authority, was specially delicate, and particularly here, at and near the seat of national government, where it was important to illustrate alike the liberty vouchsafed to the negro, and the magnanimity of the government towards its late mortal enemies, now its penitent, seeking impartial justice as citizens of the same nation with those so lately their slaves.

And it has seemed to me proper to regard the entire work of the bureau as an incident of the war, alike in the exercise of authority and the disbursement of temporary aid to those absolutely needy. Refugees, whether white or black, have become such as an incident to the war; emancipation itself was decreed as a military necessity; slaves of rebels had been transformed into loyal armies, and whatever of suffering was thus occasioned, it was plainly the dictates of humanity, and the duty of a government leading civilization, to relieve. Old precedents of aid to captives of war it was well enough to remember. But the occasion was worthy of the making a precedent for all time to come, in overcoming any mere local, personal, formal obstacle, in wise and liberal, yet economical, execution of the demands of justice and humanity for the refugee and the freedman. Accepting this principle, I felt it equally important that the utmost care and economy should characterize each disbursement of aid, alike as a duty to the government and to the individual aided.

Governments, as they approximate to the tyrannical, may, to save themselves from the violence of the mob, temporarily nurse multitudes into beggary. But republics, dependent on the labor, integrity, and intelligence of the individual, cannot for a moment afford to empty their treasuries, or degrade the self-respect of any of their individual members, by any such disbursement of supplies as will encourage beggary, or foster idleness, or other crime. The punishment of crime, the support of pauperism, and the reformation of juvenile and other offenders,

and the aid of all unfortunate, and blind, deaf, idiotic, insane, &c., plainly should include the idea of industry and self-support.

The negro has never been a beggar among us; he should not be made such now, as he drops his chains, and while he accepts his manhood as a ward of the government. With these views, looking over the facts in the light of your instructions, I determined to continue a single establishment for those entirely unable to support themselves.

Freedmen's Village, though chiefly a self-supporting community, had needful buildings and accommodations, and was selected. The establishment on Mason's island was broken up, most of the people going to work and supporting themselves.

The government farms have been brought forward to the gathering of the crops, and, with few exceptions, returned to their owners, as ordered. These farms have been cultivated, not as a source of revenue, but as a means of industry to those who would otherwise have been entirely supported at government expense. Those in Maryland, under care of Lieutenant O'Brien, have furnished an asylum for the wives and children of many soldiers who joined our army from the midst of a white population chiefly engaged in aiding the rebellion, and of late, according to affidavits, disposed to class all loyal white soldiers with the negroes, in their hatred of the Union, and subject them to the same insults.

Great efforts have been made to reconcile the labor and capital thereabouts, and induce the negroes to engage at industry with private parties. The bad faith of employers has prevented success. They would work well anywhere for kind treatment and fair wages; but one negro unpaid for his faithful services, or another bruised and cut by his faithless employer, was enough to rouse the abhorrence of their companions.

With all the opposition to the true interests of free labor prevalent in the surrounding community constantly disturbing the relations of employer and employé, the freedmen on the government farms in St. Mary's county, Maryland, have proved the advantages of fair treatment and wages, and good faith, by producing with great economy of labor the best crops in that section of the State. Thirteen hundred acres have been under cultivation, of which 176 acres were wheat, 630 acres corn, 248 acres tobacco, 240 acres oats, and 6 acres potatoes; in addition to these were the gardens of the people. Besides the work on the crops, barns, fences, &c., have been built, and other permanent improvements made. The number of people has averaged about 500 during the season, about half of whom are laborers, and are paid regular wages. Most of the remainder earn enough to pay for their rations, while a few, too old or too young, are dependent. Besides disseminating through the various agencies at work in behalf of the freedmen, and through colored churches, the importance of finding industry outside of the cities, I found it necessary, at an early day, to establish in this city an intelligence office, to quicken and aid the acquaintance and confidence of those who needed work, and those who desired their services. Captain Spurgin has charge of this office, where he also hears all complaints, and listens to all calls for relief from suffering in this city and Georgetown. The duties thus performed are of so miscellaneous a character as hardly to admit classification. Prominent among them is the settlement of difficulties arising between whites and blacks, or among the latter, regarding contracts, &c., of which cognizance has been taken, and which have generally been adjusted satisfactorily without the delay and expense of an appeal to the courts. Attention has been given to the collection of claims against the government for labor, and thus the dishonest designs of pretended friends thwarted. Cases of personal abuse have been of rare occurrence, though occasionally the conductor of a street-car, or other person of similar authority, has exercised it unlawfully to the prejudice of the negro; aid having been given, no case of unjustifiable assault has gone unpunished.

Titles to property have been examined and determined where freedmen wished to purchase.

Cases of destitution becoming known by any means are at once investigated and proper measures taken for their relief, and a general supervision of the interests of the freedmen, business and social, is being exercised with a satisfactory degree of success.

The number reported as having found employment through the intelligence office in this city, from July 20 to October 31, is 773; this includes only those who have contracts registered; probably as many more have been helped to situations; 729 applications for labor have been filled, many of which were for families. Several hundred dollars have been paid by employers for labor thus obtained. Several calls for labor have been received from railroad and mining companies at the north, by which the introduction of a large element of colored labor is desired. For various reasons these calls have not yet been answered.

An intelligence office has been lately opened at Alexandria, where there is a large amount of surplus labor.

Until August 21 the medical care of the freedmen remained under the direction of Colonel R. O. Abbott, medical director, department of Washington. At that time the freedmen's hospitals were turned over to this bureau, Surgeon Robert Reyburn, United States volunteers, having reported for duty in charge of medical and sanitary affairs.

Campbell hospital having been secured for the use of the bureau, and possessing superior advantages for the treatment of patients, the freedmen's hospital in town was discontinued, and the patients transferred to Campbell.

In the month of September L'Ouverture hospital, at Alexandria, was also turned over to the bureau.

There are now three hospitals for freedmen in this district—one in Washington, one in Alexandria, and one at Freedmen's Village, having in all a capacity of 300 beds.

One assistant surgeon United States volunteers and ten acting assistant surgeons are at present on duty. Two of the latter are at the government farms in Maryland, four devote their time to visiting those patients at their homes in Washington and Alexandria who, with the aid thus rendered, are able to maintain themselves; the remainder are on duty in the hospitals.

In Loudon and Fairfax counties, Virginia, having an estimated colored population of 9,000, all self-supporting, no medical officers are required.

The whole number sick in the district during the month of October is reported as 2,445. Of these there remained under treatment at the end of the month 778; 1,585 had been discharged cured; 82 had died.

Comparing the results of cases treated in this and former years a manifest improvement is visible. In 1863, out of 1,014 patients, 299, or about 30 per cent., died. In 1864 there were about 153 deaths out of 3,806 patients, or about 4 per cent. During the present year, from the organization of the bureau to September 30, out of 6,251 cases treated there were 207 deaths, or about 3 per cent.

Frequent inspections of the freedmen in the cities have been made, and efforts to improve their sanitary condition. Owing to the neglect of the municipal authorities to enforce proper cleanliness and hygiene, it has been difficult to attain any very satisfactory results.

Arrangements having been made with the mayors of Washington and Alexandria by which the care of sick and infirm freedmen, properly residents of those cities, has been assumed by them, the medical officers of the bureau have received instructions to devote exclusive attention to those freedmen who have become such by the operations of the war.

In addition to the hospital, two extra-diet kitchens are in operation in this city,

where rations are issued to such sick and infirm, not treated in hospital, as require them.

It is believed that the present number of medical officers will be amply sufficient to supply all necessities during the coming winter.

In view of the suffering brought upon the poor colored people by high rents, and the undesirableness of removing any of the buildings at Campbell hospital, after in possession of the bureau, I ordered some of the barracks separated by partitions into small tenements for cheap rents. These are now occupied by such families as are most worthy, and least able to pay the exorbitant rents demanded by private parties. Similar tenements are being prepared at Sickles and Seward barracks, in Alexandria.

The first report of rations issued to freedmen in this District, not including Alexandria, after the organization of the bureau, was rendered May 31. The total number of rations then issued daily was 2,574; 621 to laborers who paid for them, and 1,953 to dependents. The exact number of people thus aided cannot be ascertained, 600 rations daily being distributed at the government soup-house.

In September, Alexandria was added to the District.

October 31, 282 men, 349 women, and 346 children were reported as receiving rations. Of these 339 were laborers. 466 rations were issued daily to sick in hospital and quarters. The total daily issue was 1,270—a decrease since May 31 of 1,304 daily.

The home established by special act of Congress for women and orphans, conducted by a board of excellent ladies, and located in Georgetown, I have ordered from time to time supplied with subsistence. It is now also furnished medical attendance by the bureau. It has at present about 60 inmates.

The calls by refugees for aid have not been numerous. With few exceptions it was found that by giving them transportation to their homes, they could relieve the government of further expense by supporting themselves. No pauper establishment for their benefit has been opened. Twelve were reported as receiving rations October 31.

No effort for the freedmen is complete that does not embrace their education. Most strictly debarred in slavery, as a rule, from letters, or any proper culture, no pledge of liberty is greater to them than the privilege of learning to read, especially the word of God. Nothing so inspires their hope, or assures their self-respect, and awakens their efforts for themselves.

If the physician finds his patient rising and sinking under disease with the elevation or depression of his feelings, so much the more shall we find a slave-sick race, distinguished for nobility and largeness of sensibility, rising or falling, in working out their freedom, according as we rouse their deeper religious and moral feelings.

Looking over the facts, I was stung with shame that at the capital of our nation, distinguished for its liberties and general diffusion of knowledge, the negro was excluded from any chance for education. I found Congress had been mindful of the subject, and legislated upon it once and again, but foolish old prejudices had found means of thwarting the faithful and laborious trustees to whom its execution was committed. The mayor of Washington had refused to pay them the funds required by law.

A school or two had been suffered to exist here among the free negroes for a quarter of a century. More recently loyal charity had opened numerous schools, but generally at great cost, paying rents, and in some cases at disadvantages, to be overcome only by system.

About town was an abundance of buildings, erected by the government, soon to be vacated and sold. Their retention for school purposes would be no outlay, and slight expense in any form.

If the bureau had the "control of all subjects relating to refugees and freedmen from rebel States, or from any district of country within the territory em-

braced in the operations of the army," and was a part of the army, and its operations a moral and social campaign, closing the war, I could see no difficulty in using the war power, and the fragments of its material, barracks, &c., for the execution of the most fundamental condition in the pledge of emancipation. Could the nation afford that this great assurance of hope to the four millions just emancipated should be blotted out under the dome of the Capitol? Everything but the spirit of rebellion answered me.

It was plain, also, that such effort would be only of the most temporary character, for Congress would doubtless look to it that the spirit and letter of its laws for the District no longer suffered such violations, and that the negro had a fair chance in the race of improvement.

I determined, therefore, in accordance with the spirit of your instructions, to do what became the bureau for the initiation of what might become a free-school system for the negroes of the District. The plan was to secure from among the buildings, barracks, &c., to be abandoned by the government, enough to accommodate the schools, so arranged in location and classification as to result in giving the trustees of the colored schools a complete system of graded schools in each district, crowned with a central school for the more advanced.

This required an effort to harmonize all the benevolent interests at work here.

Reverend John Kimball, lately an army chaplain, an able, faithful, practical, and at the same time scholarly man, was elected as superintendent. All societies have found it easy to unite their efforts with his. The honorable S. J. Bowen, postmaster of this city, and Dr. Brud, of the board of trustees of colored schools, have assured me of the aid he has been to them in their difficult work.

In the difficulty of finding lands on which schools for colored persons could be placed, without being indicted as nuisances by prejudiced citizens, application was made to Hon. James Harlan, Secretary of the Interior, for the temporary use of government lots. He afforded us every facility. Congress would greatly facilitate the education of the colored people if these lots could be granted in trust to the trustees for this purpose.

The procuring of buildings, to our mind, was soon found impossible. Considerable, however, has been done by Mr. Kimball's indefatigable efforts, assisted by the agents of several benevolent associations, especially Mr. A. E. Newton, agent New York National and Pennsylvania Freedmen's Relief Associations.

At the end of October the superintendent reported 41 schools in operation: 25 in Washington, 4 in Georgetown, 10 in Alexandria, 1 at Freedmen's Village, and 1 at Good Hope. The number of teachers was 91, representing the following benevolent associations: A. M. Society, Pa. F. R. Association, N. Y. N. F. R. Association, Pa. Friends' Society, African Civilization Society, O. S. R. Presbyterian school, N. E. Friends, O. S. Presbyterian, N. S. R. Presbyterian, American Baptist Free Mission, and American Tract Society. Besides the schools of these societies, there are others, either exclusively private enterprises or aided by local societies not reported.

The whole number of scholars reported was 4,884; the average daily attendance, 3,566; 1,682 studied arithmetic; 1,006, geography; 254, grammar; 1,296, writing; 153, needlework, and 60, the higher branches.

Two schools at the government farms in Maryland, under the auspices of the New York Society of Friends, attended by an average of one hundred and thirty pupils, have not been definitely reported.

In this city and Georgetown there were also thirteen night schools, from which no definite report has been received; the largest attended by one hundred and fifty and the smallest by fifteen pupils—mostly adults.

There are three industrial schools in operation, conducted by agents of benevolent societies; two other schools of this kind, one in Washington and one in Alexandria, are about being opened under the direction of the bureau. A

large amount of material adapted to the wants of these schools has been received from the Post Office Department and Sanitary Commission.

The advantages of the Soldiers' Free Library in this city have been extended for the benefit of the freedmen, and it will be the depository for all the books donated to the bureau in this District.

Since the date of the last report, other buildings have been secured and new schools opened to meet the constantly increasing demands of the colored people for educational facilities.

It is estimated that 6,000, or about one-fourth of the entire colored population in the cities, are now receiving instructions in the schools.

Of the improvement of the pupils the superintendent remarks: "My visits always encourage me to persevere in this good work. The progress of the scholars is remarkable under the circumstances. They are learning very rapidly, and often surprise me by their ready and correct answers to difficult questions."

The affairs of freedmen in the three counties in Virginia assigned to my care have required comparatively little attention, save in Alexandria. Captain Hoff has reported as commissary of subsistence.

Lieutenant Smith, in Fairfax, and Chaplain Ferree, in Loudon, are occupied chiefly in forwarding the adjustment of the new relations of whites and blacks. No rations are issued in either of these counties.

I have endeavored to have a complete census of these counties, and of the District of Columbia; but, owing to the difficulty of securing soldiers for this duty, have been only partially successful.

Returns have been received from Fairfax county which show a total colored population of 2,941—1,552 males and 1,389 females. January 1, 1863, 2,167 of these were slaves, 774 free; 128 are able to read; 1,121 are children under 14 years of age. The estimated colored population of the entire District is 33,000.

At Alexandria, Captain Hambrick's provost court for freedmen, established at your request by Major General Augur, has been eminently serviceable in securing justice.

A strong disposition has been shown on the part of local judges and city magistrates to consider as still binding the old judicial rules in reference to negro testimony and suits.

Efforts to punish by whipping were revived, but were checked by the prompt order of General Augur.

Aiming steadily at the securing of justice, simple justice, for the negro, in spite of the remaining disabilities and prejudices of slavery, thoroughly convinced that this fairly done, the long-disturbing negro question was settled, I have more than anything else watched and tried to reach all incidents and influences which should prompt this among whites and blacks, and especially in the administration of justice. Some of the police of this city and Georgetown at first were not disposed to be questioned in regard to their mistreatment of blacks; but that has passed away under the prompt and faithful attention of Mr. A. C. Richards, Superintendent of Metropolitan Police.

Lieutenant S. N. Clark, my efficient acting assistant adjutant general, made repeated examinations in Maryland, in answer to complaints, taking affidavits, and gathering trustworthy testimony. These reveal an antagonism between capital and labor hardly to be expected in a State where emancipation came by the voice of the people, and where the greatest present complaint is scarcity of labor. A lingering feeling of disloyalty to the government led many otherwise respectable people to countenance the misdeeds of those prompted to personal abuse of the negro, by their ignorant prejudices, and his powerlessness to secure legal address. Cases of personal assault were numerous; the punishment of any assailant, if white, by the law, was unknown.

The same statute which debars the negro the right to testify where his per-

son is imperilled, applies also where his rights of property are invaded. He can by no means compel the good faith of his white employer.

The law in Maryland by which, as interpreted, colored children may be apprenticed without the consent of their parents, and the abuse of it, bad as it is, operate to remove all those who would escape the forced separation of families, which formed so sad a feature of slavery.

Even written contracts to labor, including the names of each member of a family, have proved insufficient to protect from apprenticeship those whose age alone brought them within the scope of the law; and it has often happened that the children taken were the main-stay of aged parents, whose best years had been spent in unrequited toil for their masters.

The fruits of these abuses have been not alone discouragement and hardship for the laborer, but uncultivated fields, short crops, and consequent pecuniary loss to the employer.

Heeding all the privileges of Maryland, as a State which has respected its constitutional obligations, my endeavor has been to act not so much by direct authority as to secure the best possible administration of bad laws, and exercise an influence in favor of their speedy amendment, to aid, as far as I might, in enforcing order, exacting good faith between employer and employé, preventing injustice and fraud, and promoting the best interests of all classes.

It is gratifying to find the number of complaints steadily decreasing.

Captain J. M. Brown, assistant quartermaster at your headquarters, and for the bureau in this District, has shown excellent business qualities in the management of the finances committed to his care. All required financial reports have been forwarded.

The sources of the fund, and the fund itself, are steadily diminishing. Indeed, the tax should be removed at an early day.

Careful attention to provision against possible suffering during the now trying portion of the winter has been given. A steady application of present instrumentalities will, it is believed, enable the free people in this vicinity, as industry appears again in the spring, to relieve the general government from any special efforts in their behalf. This will be specially assured, should Virginia and Maryland so modify their statutes as to do them justice, and in the local administration of laws assure them the inalienable rights of "life, liberty, and the pursuit of happiness."

Their efforts for themselves are more and more wisely directed.

Their road up is still steep, rough, and badly hedged. Their friends, too, often mistake them and treat them as paupers, and their enemies keep up the old cry of "worthlessness."

Common sense, good faith, and simple justice would render their road easy, and their goal direct and certain.

CONCLUSION.

Although what has been done may come short of our wishes, more is already attained than any one dared hope last March. A prudent survey of facts cannot fail to encourage us.

An experience of several years, embracing the settlement in some form of nearly all the questions which arise out of the new order of things, and the peculiarities of feelings and circumstances among black and white south, gives my convictions of the success of emancipation, whatever temporary evils bad faith may here and there engender, the assurance of positive knowledge, more than of the confidence in opinions based on influence.

When first ordered to duty here, consenting to remain only till the bureau should be fully organized, I find myself closing this report after it has been in full operation so many months, and, under your faithful and earnest lead, has

filled page after page with illustrations of the humanities and charities unparalleled in the annals of national history.

Accept my sincere thanks for your uniform personal kindness and courtesy.

I have the honor to be, very respectfully, your obedient servant,

JOHN EATON, JR.,

Brevet Brigadier General, Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c.

Summary report of North Carolina—Colonel E. Whittlesey, Assistant Commissioner.

RALEIGH, N. C., October 15, 1865.

GENERAL: In presenting my first quarterly report of the operations of this bureau in North Carolina, which I have the honor to forward, I deem it proper to give a history of its

ORGANIZATION.

On the 22d of June I arrived at Raleigh, with instructions from you to take the control of all subjects relating to "refugees, freedmen, and abandoned lands" within this State. I found these subjects in much confusion. Hundreds of white refugees, and thousands of blacks, were collected about this and other towns, occupying every hovel and shanty, living upon government rations, without employment, and without comfort; many dying for want of proper food and medical supplies. A much larger number, both white and black, were crowding into the towns, and literally swarming about every depot of supplies to receive their rations. My first effort was to reduce this class of suffering and idle humanity to order, and to discover how large a proportion of these applicants were really deserving of help. The whites, excepting "loyal refugees," were referred to the military authorities. To investigate the condition of refugees and freedmen, and minister to the wants of the destitute, I saw at once would require the services of a large number of efficient officers. As fast as suitable persons could be selected, application was made to the department and district commanders for their detail, in accordance with General Order No. 102, War Department, May 31, 1865. In many cases these applications were unsuccessful, because the officers asked for could not be spared. The difficulties and delays experienced in obtaining the help needed for a proper organization of my work will be seen from the fact that upon thirty-four written requests, in due form, only eleven officers have been detailed by the department and district commanders. With such assistance, however, as could be secured, I proceeded to divide the State into four general districts, viz: Eastern, western, southern, and central. To the eastern district I assigned, as superintendent, Captain Horace James, assistant quartermaster, who was already on the ground, and had for a long time been in charge of "contrabands," under the appointment of military commanders of the district. Over the central district, Captain Beal, 9th Maine volunteers, was first appointed superintendent, but he was soon relieved by Lieutenant Colonel D. E. Clapp, 38th United States colored troops. The western district was placed under the supervision of Major Smith, 17th Massachusetts volunteers, who was, however, soon relieved to be mustered out with his regiment, and the vacancy has not yet been filled.

The southern district remained without an officer until August 18, when Major Charles J. Wickersham, assistant adjutant general, was assigned as its superintendent.

The next step was the division of these four districts into sub-districts. My first intention was to make each county a sub-district; but the impossibility of obtaining so large a number of officers as this would require compelled me to embrace from two to eight counties in each sub-district. The arrangement now made is as follows: Eastern district has eight (8) sub-districts, central district has nine (9) sub-districts, western district has six (6) sub-districts, and the southern district has four (4) sub-districts.

For the 27 sub-districts the whole number of assistant superintendents (inclusive of citizen agents) has been 33. The largest number at any specific time has been 20. The number on duty now is 15. Thus more than half of the State is still without an officer or representative of the bureau.

My organization has been three times almost broken up by the mustering out of regiments to which my officers belonged. The only permanent officers, and such only can be useful in this service, are those detailed by order of the Secretary of War. With this brief history of my efforts to organize the bureau, I proceed to state

THE DESIGN AND WORK PROPOSED.

In my circulars Nos. 1 and 2, (copies of which are herewith enclosed,) the objects to be attained are fully stated. All officers of the bureau are instructed—

- 1st. To aid the destitute, yet in such a way as not to encourage dependence.
- 2d. To protect freedmen from injustice.
- 3d. To assist freedmen in obtaining employment and fair wages for their labor.
- 4th. To encourage education, intellectual and moral.

Under these four divisions the operations of the bureau can best be presented.

RELIEF AFFORDED.

It was evident at the outset that large numbers were drawing rations who might support themselves. The street in front of the post commissary's office was blocked up with vehicles of all the descriptions peculiar to North Carolina, and with people who had come from the country around, in some instances from a distance of sixty miles, for government rations. These were destitute whites, and were supplied by order of the department commander. Our own headquarters, and every office of the bureau, was besieged from morning till night by freedmen, some coming many miles on foot, others in wagons and carts. The rations issued would scarcely last till they reached home, and in many instances they were sold before leaving the towns, in exchange for luxuries. To correct these evils orders were issued that no able-bodied man or woman should receive supplies, except such as were known to be industrious, and to be entirely destitute. Great care was needed to protect the bureau from imposition, and at the same time to relieve the really deserving. By constant inquiry and effort the throng of beggars was gradually removed. The homeless and helpless were gathered in camps, where shelter and food could be furnished, and the sick collected in hospitals, where they could receive proper care.

The statistical reports prepared by Captain Almy, C. S., forwarded herewith, will show a steady and healthy decrease of the number of dependents from month to month: In July there were issued 215,285 rations, valued at \$44,994 56; in August there were issued 156,289 rations, valued at \$32,664 40; in September there were issued 137,350 rations, valued at \$28,706 15.

Should no unforeseen trouble arise, the number will be still further reduced. But we have in our camps at Roanoke island and Newbern many women and children, families of soldiers who have died in the service, and refugees from the interior during the war, for whom permanent provision must be made. Some of the women might earn their support as servants in northern families, if there were any organized agency for finding them employment, and means for transporting them north. Many children might be collected in orphan asylums, saved

from death, and properly educated. And I earnestly recommend that the "soldiers' bounty fund" be expended in establishing such institutions. In this connexion may be properly reported the efforts made in behalf of the sick. At the organization of the bureau many white refugees were found in a wretched condition. These were placed, as far as possible, in hospitals. Some have died, others have recovered, and been sent back to their homes. But very few of this class now remain under our control. The reports prepared by Surgeon Hogan will show the condition of freedmen hospitals. In the early part of the summer much suffering and mortality occurred for want of medical attendance and supplies. This evil is now being remedied by the employment of surgeons by contract. One is on duty at Beaufort, another at Wilmington, and several others are expected soon.

The whole number of sick under care of the bureau has been 3,771 during the quarter ending September 30.

PROTECTION.

Regarding this bureau as the appointed instrument for redeeming the solemn pledge of the nation, through its Chief Magistrate, to secure the rights of freedmen, I have made every effort to protect them from wrong. Suddenly set free, they were at first exhilarated by the air of liberty, and committed some excesses. To be sure of their freedom, many thought they must leave the old scenes of oppression, and seek new homes. Others regarded the property accumulated by their labor as in part their own, and demanded a share of it. On the other hand, the former masters, suddenly stripped of their wealth, at first looked upon the freedmen with a mixture of hate and fear. In these circumstances some collisions were inevitable. The negroes were complained of as idle, insolent, and dishonest; while they complained that they were treated with more cruelty than when they were slaves. Some were tied up and whipped without trial, some were driven from their homes without pay for their labor, without clothing or means of support, others were forbidden to leave on pain of death, and a few were shot, or otherwise murdered. All officers of the bureau were directed, in accordance with your circular No. 5, to investigate these difficulties between the two classes, to settle them by counsel and arbitration, as far as possible to punish light offences by fines or otherwise, and to report more serious cases of crime to the military authorities for trial. The exact number of cases heard and decided cannot be given. They have been so numerous that no complete record could be kept. One officer reported that he had heard and disposed of as many as 180 complaints in a single day. The method pursued may be best presented by citing a few of the cases, and the action thereon. From the report of Captain James, for August, I quote the following:

"I forward to you, in his own language, a report of a case which occurred in Gates county, on the northern border of the State, far away from any influence of troops, and where the military power of the government had been little felt. No doubt it illustrates others in similar localities far from garrisons and northern influences. The report will repay perusal, and appears to have been managed with admirable tact on the part of Captain Hill: 'Reports had reached me of the way in which David Parker, of Gates county, treated his colored people, and I determined to ascertain for myself their truth. Accordingly, last Monday, August 20, accompanied by a guard of six men from this post, (Elizabeth City,) I proceeded to his residence, about forty miles distant. He is very wealthy. I ascertained, after due investigation, and after convincing his colored people that I was really their friend, that the worst reports in regard to him were true. He had twenty-three negroes on his farm, large and small. Of these, fourteen were field hands. They all bore unmistakable evidence of the way they had been worked—very much undersized, rarely exceeding, man or

woman, 4 feet 6 inches; men and women of thirty and forty years of age looking like boys and girls. It has been his habit for years to work them from sunrise to sunset, and often long after, only stopping one hour for dinner—food always cooked for them to save time. He had, and has had for many years, an old colored man, one-eyed, and worn out in the service, for an overseer or “over-looker,” as he called himself. In addition he has two sons at home, one of whom has made it a point to be with them all summer long—not so much to superintend as to drive. The old colored overseer always went behind the gang with a cane or whip, and woe betide the unlucky wretch who did not do continually his part. He had been brought up to work, and had not the least pity for any who could not work as well as he.

““Mr. Parker told me that he had hired his people for the season; that directly after the surrender of General Lee, he called them up, told them they were free; that he was better used to them than to others, and would prefer hiring them; that he would give them board and two suits of clothing to stay with him till the 1st day of January, 1866, and one Sunday suit at the end of that time; that they consented willingly—in fact, preferred to remain with him, &c. But from his people I learned that though he did call them up, as stated, yet when one of them demurred at the offer, his son James flew at him and cuffed and kicked him; that after that, they were all “perfectly willing to stay;” they were watched night and day; that Bob, one of the men, had been kept chained nights; that they were actually afraid to try to get away. There was no complaint of the food, nor much of the clothing; but they were in constant terror of the whip. Only three days before my arrival, Bob had been stripped in the field and given fifty lashes, for hitting Adam, the colored over-looker, while James Parker stood by with a gun, and told him to run if he wanted to; he had a gun there. About four weeks before, four of them who went to church and returned before sunset, were treated to twenty-five lashes each. Some were beaten or whipped almost every day. Having ascertained these and other similar facts, I directed him to call them up and pay them from the first of May last up to the present time. I investigated each case, taking into consideration age, family, physical condition, &c., estimating their work from \$8 down, and saw him pay them off then and there, allowing for clothing and medical bill. I then arrested him and his two sons, and brought them here, except Dr. Joseph Parker, whose sister is very sick, with all the colored people I thought necessary as witnesses, intending to send them to Newbern for trial. But on account of the want of immediate transportation, I concluded to release them on their giving a bond in the sum of \$2,000 to Colonel E. Whittlesey, assistant commissioner for the State of North Carolina, and to his successors in office, conditional as follows:

““That whereas David Parker and James Parker have heretofore maltreated their colored people, and have enforced the compulsory system instead of the free labor system, now, therefore, if they, each of them, shall hereafter well and kindly treat, and cause to be treated, the hired laborers under their or his charge, and shall adopt the free labor system in lieu of the compulsory system, then this bond be void and of no effect; otherwise to remain in full force and effect, with good security.””

Lieutenant Colonel Clapp, superintendent central district, reports three cases of cruel beating, which have been investigated, and the offenders turned over to the military authorities for trial, besides very many instances of defrauding freedmen of their wages.

From the reports of Major Wickersham, superintendent of southern district, I quote the following:

August 25, A. S. Miller, Bladen county, states that Henry Miller (colored) neglects to support his family. Action: required Henry Miller to use his wages

for the support of his wife and children, who have no claims on their former master, and can look to no one else than the husband and father for support.

27th. Betsy Powell (colored) states that Mrs. Frank Powell, Columbus county, has driven her away without pay for her labor. Gave letter to Mrs. Powell, directing her to pay Betsy for her labor since April 27, 1865.

29th. Len Shiner (colored) states that he made an agreement with Mr. David Russel, of Robeson county, to work and gather his crop, for which he was to receive subsistence and one-third of the crop, when gathered. Mr. Russell has driven him off and refuses to pay. Wrote to Mr. Russell directing him to comply with terms of agreement, or furnish satisfactory reasons for not doing so. These are but examples of hundreds of complaints heard and acted upon by Major Wickersham and other officers in the southern district.

The following cases are taken from the report of Captain Barritt, assistant commissioner, at Charlotte:

Morrison Miller, charged with whipping girl Hannah (colored.) Found guilty. Action: ordered to pay said Hannah fifty bushels of corn towards supporting herself and children, two of said children being the offspring of Miller.

Wm. Wallace, charged with whipping Martha (colored.) Guilty. Action: fined said Wallace \$15, with assurance that if the above offence was repeated the fine would be doubled.

Council Best attempts to defraud six families of their summer labor by offering to sell at auction the crop on his leased plantation. Action: sent military force and stopped the sale until contract with laborers was complied with.

A hundred pages of similar reports might be copied, showing, on the one side, that many freedmen need the presence of some authority to enforce upon them their new duties; and on the other, that so far from being true that "there is no county in which a freedman can be imposed upon," [speech of Judge Reed in constitutional convention,] there is no county in which he is not oftener wronged; and these wrongs increase just in proportion to their distance from United States authorities. There has been great improvement, during the quarter, in this respect. The efforts of the bureau to protect the freedmen have done much to restrain violence and injustice. Such efforts must be continued until civil government is fully restored, just laws enacted, or great suffering and serious disturbance will be the result.

INDUSTRY.

Contrary to the fears and predictions of many, the great mass of colored people have remained quietly at work upon the plantations of their former masters during the entire summer. The crowds seen about the towns in the early part of the season had followed in the wake of the Union army, to escape from slavery. After hostilities ceased, these refugees returned to their homes, so that but few vagrants can now be found. In truth a much larger amount of vagrancy exists among the whites than among the blacks. It is the almost uniform report of officers of the bureau that freedmen are industrious.

The report is confirmed by the fact that out of a colored population of nearly 350,000 in the State, only about 5,000 are now receiving support from the government. Probably some others are receiving aid from kind-hearted men who have enjoyed the benefit of their services from childhood. To the general quiet and industry of this people, there can be no doubt that the efforts of the bureau have contributed greatly. I have visited some of the larger towns, as Wilmington, Newbern, Goldsboro', and, both by public addresses and private instructions, counselled the freedmen to secure employment and maintain themselves. Captain James has made an extensive tour through the eastern district for the same purpose, and has exerted a most happy influence. Lieutenant Colonel Clapp has spent much of his time in visiting the county seats of the central district,

and everywhere been listened to by all classes with deep interest. Other officers have done much good in this way. They have visited plantations, explained the difference between slave and free labor, the nature and the solemn obligation of contracts. The chief difficulty met with has been a want of confidence between the two parties. The employer, accustomed only to the system of compulsory labor, is slow to believe that he can secure fruitful services by the stimulus of wages. The laborer is unwilling to trust the promises of those for whom he has toiled all his days without pay. Hence but few contracts for long periods have been effected. The bargains for the present year are generally vague, and their settlement, as the crops are gathered in, requires much labor. In a great majority of cases the land-owners seem disposed to do justly, and even generously. And when this year's work is done, and the proceeds divided, it is hoped that a large number of freedmen will enter into contracts for the coming year. They will, however, labor much more cheerfully for money, with prompt and frequent payments, than for a share of the crop, for which they must wait twelve months. A large farmer in Pitt county hires hands by the job, and states that he never saw negroes work so well. Another in Lenoir county pays monthly, and is satisfied so far with the experiment of free labor. Another obstacle to long contracts was found in the impression which had become prevalent to some degree, *i. e.*, that lands were to be given to freedmen by this government. To correct this false impression I published a circular, No. 3, and directed all officers of the bureau to make it as widely known as possible. From the statistical reports enclosed, it will be seen that during the quarter 257 written contracts for labor have been prepared and witnessed; that the average rate of wages, when paid in money, is from \$8 to \$10 per month; that — farms are under the control of the bureau, and cultivated for the benefit of freedmen; that — acres are under cultivation, and — laborers employed. Many of the farms were rented by agents of the treasury as abandoned lands previous to the establishing of this bureau, and were transferred to us with the leases upon them. Nearly all have been restored to their owners, under the President's proclamation of amnesty, and our tenure of the few that remain is so uncertain that I have not deemed it prudent to set apart any for use of refugees and freedmen, in accordance with the act of Congress approved March 3, 1865. But many freedmen are taking this matter into their own hands, and renting lands from the owners for one or more years. The following communication indicates an interesting movement in this direction.

“KINSTON, N. C., August 16, 1865.

“Whereas we, a portion of the freedmen of Lenoir county, in the State of North Carolina, being desirous of embracing every facility which the United States government offers to provide for ourselves the comforts of a permanent home; and whereas we have felt the importance of mutual labor and mutual interests, and believing that industry is the basis of progress, and being desirous of becoming good citizens, showing that the labor spent on us was not thrown away: Therefore,

“*Be it, and it is hereby, resolved,* That we form ourselves into a society to purchase homes by joint stock, and for other purposes to be hereafter stated.

“*Be it further resolved,* That we raise ten thousand dollars for the purpose of homesteads, and that the said sum be raised by the 1st of January, 1868. And be it resolved, That this society shall be composed of the best and most reliable freedmen in Lenoir county. And it is further proposed to raise the required amount in the following manner, viz: Two hundred and fifty men will compose the society, each to be assessed the sum of forty-eight dollars per annum, to be paid in monthly instalments of four dollars each.

“ANTHONY BLUNT,

“JAMES HARGATE,

“EZEKIEL BLUNT,

“Committee.”

I am also endeavoring to purchase or rent, for a long period, the lands upon which houses have been erected by freedmen, so that they may not lose what has been expended. The most important local interest of this kind is the Trent River settlement. The village was carefully laid out by Captain James, and now contains a population of nearly 3,000, all but about 300 self-supporting. "Although," says Captain James, "in interest a part of the city of Newbern, it lies outside of the corporate limits, and therefore came under no municipal regulations." I therefore issued an order erecting it into a separate municipality. I imposed a small tax upon the trades and occupations of the people, and a very moderate ground rent upon the lots, to raise a fund for meeting the necessary expenses of maintaining the settlement. They pay these sums with pleasure, deeming them an evidence of citizenship. From the fund thus raised, the superintendent, assistant superintendent, a clerk, six nurses in the hospital, and some fifteen mechanics and laborers employed about the settlement, are paid. A good market is now nearly completed, the stalls in which have been taken up beforehand at high rates. It needs only the power to sell these people their lots of land to induce them to put more permanent improvements on them. The settlement, as such, is by all confessed to be well ordered, quiet, healthy, and better regulated than the city proper.

EDUCATION.

The quarter has been one of vacation, rather than active work, in this department. Still some progress has been made, and much done to prepare for the coming autumn and winter. Rev. F. A. Fiske, a Massachusetts teacher, has been appointed superintendent of education, and has devoted himself with energy to his duties. From his report it will be seen that the whole number of schools during the whole or any part of the quarter is 63, the number of teachers 85, and the number of scholars 5,624. A few of the schools are self-supporting, and taught by colored teachers, but the majority are sustained by northern societies and northern teachers. The officers of the bureau have, as far as practicable, assigned buildings for their use, and assisted in making them suitable. But the time is nearly past when such facilities can be given. The societies will be obliged, hereafter, to pay rent for school-rooms, and for teachers' homes. The teachers are engaged in a noble and self-denying work. They report a surprising thirst for knowledge among the colored people, children giving earnest attention and learning rapidly; and adults, after the day's work is done, devoting the evenings to study. In this connexion it may be mentioned, as a result of moral instruction, that 512 marriages have been reported and registered, and 42 orphans provided with good homes.

FINANCES.

The financial condition of the bureau is clearly presented in the reports of Captain James, who, in addition to his duties as superintendent of the eastern district, has acted as financial agent, with the assistance of Captain Seely, assistant quartermaster. The duties of the department have been very great, and have been faithfully discharged by these officers. In July, Colonel Heaton, agent of the United States treasury, turned over to the bureau a large amount of real estate in Wilmington, Newbern, and adjoining counties, which had been leased for terms varying from one month to one year. The collection of rents from several hundred lessees of tenements and farms has been a laborious work. But the examination and adjustment of claims for this property, and the restoration of it in accordance with the President's amnesty proclamations, has been more trying and perplexing. Nearly all, however, is now out of our hands, and unless a re-examination of these claims is forced upon us by application for rents, on the

ground that the property was not abandoned, we shall be able hereafter to devote all of our time to our appropriate work.

The following summary of operations presents the leading facts to the foregoing report :

Receipts for the quarter.....	\$44,913 24
Current expenses	\$4,350 34
For soldiers' families from bounty fund.....	7,977 25
Remitted to treasury	21,584 17
	33,911 76
Balance credited October 1, 1865	11,001 48

Farms, 128; acres on farms cultivated, 8,540; acres of pine lands worked, about 50,000; freedmen employed on farms, 6,102; contracts witnessed, 257; freedmen employed under them, 1,847; marriages registered, 512; orphans apprenticed, 42; schools established, 63; teachers employed, 85; scholars attending, 5,642; cases of crime reported for trial, 12; cases of difficulty settled, reported in full, 257; cases not reported in writing, several thousand; rations issued, 508,924; value of, dollars, 106,365 11; hospitals, 14; sick in hospitals, &c., attended by direction of the bureau, 54,441; deaths, whole number of freedmen reported, in hospitals, camps, and towns adjoining, 2,680.

Reports of sick and deaths embraces all cases in the vicinity of stations, and with which the bureau has in any way been connected.

Estimated crops: Cotton, 858,700 pounds; corn, 32,715 bushels; sweet potatoes, 1,000 bushels; turpentine, 5,700 barrels; tar, 5,808 barrels.

The number of men engaged in fishing cannot be ascertained.

Many of the officers in command of troops in this department have given me their hearty support, and my own subordinates have been faithful and zealous in the discharge of their duties. I am specially indebted to Lieutenant F. H. Beecher, acting assistant adjutant general, for his industry; to Captain Thomas P. Johnson, acting assistant quartermaster; Captain George C. Almey, commissary of subsistence; and Surgeon M. K. Hogan, for their efficient management of their respective departments.

Very respectfully,

E. WHITTLESEY,

Colonel and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner of Bureau of Refugees, &c.

LETTER
FROM
THE SECRETARY OF WAR,
COMMUNICATING,

In compliance with a resolution of the Senate of February 27, the Chief Engineer's report upon the improvement of the harbors on Lake Michigan, in Wisconsin, and also at Superior, on Lake Superior.

MARCH 7, 1866.—Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, March 7, 1866.

SIR: In compliance with the Senate's resolution of February 27, requesting information about the improvement of the harbors on Lake Michigan, in Wisconsin, and also at Superior, on Lake Superior, I have the honor to send herewith the Chief Engineer's report on the subject, dated March 6, 1866.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HON. L. S. FOSTER,
President of the Senate.

ENGINEER DEPARTMENT,
Washington, March 6, 1866.

SIR: In compliance with the resolution of the Senate of the United States of the 27th ultimo, requesting the "Secretary of War to furnish, for the information of the Senate, what sums of money may in his judgment be necessary for the improvement of the harbors on Lake Michigan, in the State of Wisconsin," &c., I beg leave to state that a report was made on the subject of lake harbor improvements, in obedience to a call of the House of Representatives, on the 1st instant, and that the accompanying extract from that report will furnish the information desired.

In regard to Superior harbor, on Lake Superior, I beg leave to refer you to the accompanying copy of a letter of this department of the 5th instant, to the Secretary of War, in compliance with resolution of the House of Representatives of the 27th ultimo.

Respectfully, your obedient servant,

RICH'D DELAFIELD,
Brevet Maj. Gen. and Chief Engineer U. S. A.

HON. E. M. STANTON,
Secretary of War.

*Extract from a tabular statement accompanying letter of Chief Engineer to the
Secretary of War of the 1st instant.*

Works built or ordered, or in course of erection.	In charge of—	Date of report.	Am't of estimate.	Required for fiscal year ending June 30, 1867.
40. Improvement of Kenosha harbor, Wisconsin.....	Colonel Graham	*1857	\$75,461 41	\$8,000 00
41. Improvement of Racine harbor, Wisconsin, suspended in 1852.....	Colonel Cram.....	1865	23,910 00	12,000 00
42. Improvement of Milwaukee harbor, Wisconsin, repairs in progress.....	Colonel Graham	*1857	48,283 51	10,000 00
43. Improvement of Sheboygan harbor, Wisconsin, suspended in 1852	Colonel Graham	*1857	47,598 91	8,000 00
44. Improvement of Manitowoc harbor, Wisconsin, suspended in 1852.....	Colonel Graham	*1857	52,000 00	8,000 00

* See Ex. Doc. 42, (Senate,) 35th Congress, 1st session.

RICHARD DELAFIELD,
Brevet Major General and Chief Engineer United States Army.

ENGINEER DEPARTMENT,
Washington, March 5, 1866.

SIR: I respectfully return herewith the resolution of the House of Representatives of the 27th ultimo, calling for such estimates, based upon surveys of Lake Superior harbor, as will show what appropriations are needful to clear the entrance into that harbor, &c., referred to this department for report, and beg leave to state that Superior harbor presents difficulties to be surmounted in devising a system of improvement that shall render the entrance into the harbor from the lake of any permanent benefit.

Unlike most other localities on the lakes, this harbor receives a river that throws into it annually a heavy freshet, which being discharged through the harbor, is sufficient to open a good navigable channel, so long as its influence is confined to one outlet and in one direction.

During the winter season, the entire bay, harbor and lake for some miles from the shore are a mass of ice, with icebergs of considerable size forced by the easterly storms on the sand shores, grounding and filling the channel, which in summer is navigable to and from the lake. This ice barrier lasts until the month of May, and while it exists the freshets from the river pass under the ice, through the bay, and find an outlet at the entrance into the harbor by channels depending upon the size of the accumulated icebergs along the shore of the lake. The sands from within are put in motion by the freshet current, and either accumulated against the ice-barriers, thus forming new shoals, or are carried under the ice, by and through some new channel, or the one of the previous summer if it should not be closed with icebergs, to the deeper water of the lake, or thrown on shoals that have to be removed by the freshets after the opening of navigation.

Under these circumstances, the channel from the lake to the bay is variable; and how far the art of man can devise a system that shall render permanent any work that can secure a flow of the currents from the river, as well as that from any periodic rise of the lake, in an uninterrupted course, is a problem, re-

quiring the investigation of a competent board that shall collect the facts bearing upon the case with more circumstantial reliability than is now in possession of the department.

Dredging the channel, after the breaking up of the ice, would now seem to be the only temporary corrective to hasten the formation of a new channel in the most favorable direction.

Should Congress consider it expedient to authorize such a partial system for temporary purposes, the sum of \$10,000 should suffice for removing any accumulation of sand that may take place during the present winter.

Respectfully, your obedient servant,

RICHARD DELAFIELD,
Brevet Major General and Chief Engineer.

Hon. E. M. STANTON, *Secretary of War.*

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Communications from the minister of the United States at Paris, in regard to a proposed exhibition of fishery and water culture to be held at Arcachon, near Bordeaux, in France, in July next.

MARCH 14, 1866.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate and House of Representatives :

I transmit for your consideration a copy of two communications from the minister of the United States at Paris, in regard to a proposed exhibition of fishery and water culture to be held at Arcachon, near Bordeaux, in France, in July next.

ANDREW JOHNSON.

WASHINGTON, *March* 12, 1866.

List of accompanying papers.

- A.—Mr. Bigelow to Mr. Seward, October 25, 1865.
A 1.—Professor Coste to Mr. Bigelow, October 14, 1865.
A 2.—Circular of the Scientific Society of Arcachon, setting forth the objects, scope, advantages, and conditions of the exhibition, April 15, 1865.
A 3.—General regulations and dispositions.
A 4.—Mr. Bigelow to Professor Coste, October 25, 1865.
B.—Mr. Bigelow to Mr. Seward, November 15, 1865.
B 1.—Mr. Reddemont to Mr. Bigelow, November 2, 1865.

A.

[Despatch No. 187, with six enclosures.]

Mr. Bigelow to Mr. Seward.

LEGATION OF THE UNITED STATES,
Paris, October 25, 1865.

SIR : I have the honor to transmit herewith a correspondence with Professor Coste, of the institute, in relation to an International Exposition of fishery and water culture, which is to take place under the auspices of the Scientific Society of Arcachon in July, 1866. Arcachon is a fishing town, about an hour's dis-

tance by rail from Bordeaux, and is peculiarly fitted by nature for the purpose contemplated. The Exposition will be in the main the fruit of private enterprise, though it receives a substantial subsidy from the state, and will be in a great degree controlled and directed by government officers.

In view of the fact that the people of the United States are more extensively engaged in the cod, whale, and oyster fishery than the people of any other nation, that we have fluvial system adapted to the indefinite culture and distribution of fish throughout the Union, and in view of the additional fact that the science of water culture has been carried to a higher point in France than anywhere else, thanks more especially to Professor Coste, who, by long study and experiment, has become the great European authority upon this subject, I hasten to send you the letter of Mr. Coste, and copies of the circular and regulations issued by the Scientific Society of Arcachon, that you may give such encouragement to a representation of the United States in this Exposition as you may think expedient.

I would suggest that none of the arrangements to be made for this Exposition be confounded with those making for the Exposition of 1867. That of Arcachon having its origin mainly in private enterprise, had better, in my judgment, be, so far as we are concerned, at least the product of private enterprise. Our government should confine its participation to the necessary publication of the proposals, and to such aid as its diplomatic and consular organization can conveniently render.

I am authorized to say, that the transport through France of all American articles exposed will be defrayed by the society, and I am encouraged to hope that this provision will be extended so as to embrace their transport from tidewater on the other side of the Atlantic. Upon that point I expect more precise information in due season.

Foreign exhibitors are not limited as to time in presenting their articles, though, of course, the sooner they arrive or have their space engaged, the greater advantages they will enjoy.

A collective exposition of the articles which take prizes at Arcachon will be forwarded, under the auspices of the society, to the Universal Exposition of 1867, and exhibited in the section of fishery and water culture.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

Hon. WM. H. SEWARD,
Secretary of State.

A 1.

[Enclosure 1 to despatch No. 187.]

Professor Coste to Mr. Bigelow.

SCIENTIFIC SOCIETY OF ARCACHON,
International Exposition of Fishery and Water Culture,
Paris, October 14, 1865.

Mr. AMBASSADOR: The Scientific Society has the honor to transmit to your excellency a certain number of copies of the general regulations of its Exposition.

They would desire that your excellency would introduce this Exposition to the notice of your countrymen, and that you would have the kindness to designate those persons to whom it would be proper to make a special appeal.

By making collective Expositions, the different nations would simplify the task of the Scientific Society.

The society can do no more than call the attention of your excellency to this point, so important to the success of the enterprise, but it would be profoundly grateful if you would designate one of your countrymen whom it might request to act as commissioner general for the United States of America.

The society has the honor to mention to your excellency the names of Messieurs Loyseau de Reddemont (5 Rue Greffulhe,) and Henri de la Salle, (21 Rue de l'Odéon,) as special commissioners for foreign countries.

These gentlemen will be happy to give your excellency, in person, all the information which you may do them the honor to request.

I have the honor to be, with profound respect, Mr. Ambassador, your excellency's very humble and very obedient servant,

COSTE,

Member of the Institute, President of the Paris Committee.

His Excellency the AMBASSADOR
of the United States of America.

A 2.

[Enclosure 2 to despatch 187.]

Circular of the Scientific Society of Arcachon.

SCIENTIFIC SOCIETY OF ARCACHON.—EXPOSITION OF FISHERY AND WATER CULTURE AT ARCACHON IN 1866, WITH THE CO-OPERATION OF THE GOVERNMENT.

The Scientific Society has undertaken to organize an Exposition of fishery and water culture, which will take place at Arcachon during the summer season of 1866. Designed to exhibit everything which in the world of salt and fresh water interests the industry of man, this Exposition, to which all countries are invited, will be effected by original private enterprise, upon the plan of district co-operation which the French government has instituted to stimulate the progress of agriculture.

The waters which cover the greater part of the globe are as fruitful as the land, and serve to fertilize it. The means employed for making use of them demand, in labor and invention, no less intelligence, no less boldness, than that by which continents are explored and reclaimed. Thus affording to man a means of subsistence, the industry which employs them exposes to incessant peril entire populations and enlightened governments to costly experiments. Yet this aquatic industry has never been the object of a special exposition; it has never appeared in a universal exposition.

Only recently, in the midst of the admirable representation of all the industries of the earth, fishery did not figure at the Exposition of London but by the exhibition of a few nets and lines; water culture did not figure at all; while the products of the soil, artistically grouped, gave a just idea of its richness and of the importance of our agriculture. The industry of the waters is, nevertheless, also a strength and a glory to France.

If agriculture furnishes us soldiers, fishery furnishes sailors; and if we have borrowed from England the improved methods of farming, it is to France that the English have come to gain the very idea of water culture.

So we may hope that the imperial commission of the coming Universal Exposition at Paris will think proper to make use of the Exposition of Arcachon to arrive in 1867, in the section of fishery and water culture, at the same remark-

able result attained by the imperial commission of the Universal Exposition of London, 1862, for the section of agriculture. This legitimate hope alone would justify the enterprise of the Scientific Society, and would demonstrate its actual value.

But is it not evident that to unite in one place the products and implements of fishery and of water culture, the books, manuscripts, and information relating thereto, to bring together around these objects of study the greatest possible number of fishers, water culturers, and economists, will be rendering to the industry of the waters the signal service rendered to agriculture by the first agricultural exposition?

If it is difficult, indeed, to popularize in our rural districts the adoption of the best breeds of animals and the best varieties of vegetables, the best implements, and the best books, in spite of all the occasions which exhibitions incessantly renewed afford for their being learned and appreciated, progress will be impossible for fishery and water culture as long as they who are devoted thereto, living isolated, remain in mutual ignorance of the experiments they are making and the processes they are employing.

An exposition of the implements of fishery will take place this very year at Bergen, in Norway. This is a happy imitation of the example given by Holland, an initiative justly appreciated, and with which the Scientific Society proposes to associate itself. But besides the implements of fishery, it would be proper to exhibit the products which they serve to gather.

An exposition of the products of fishery would have, moreover, an interest of its own if there were placed side by side each plant or animal in its natural state, and the same plant or animal in its manufactured state, with the secondary products derived from them by the industry of different countries.

Finally, works of natural history, of technology, of appropriate administration, and the plain communications forwarded by the working people or by the fishermen themselves, form an essential part of an exhibition of fishery.

On the other hand, fishery is only the first half of the industry of the waters; water culture is the second. This includes those aquatic products which man can fashion or multiply by the processes which he employs. The implements by aid of which he succeeds in thus continuing the work of creation: the writings which reveal to him his power, or which enable him to extend every day his peaceful conquests over nature.

The increasing need of provisions has called the public attention and the solicitude of governments to the advantage to be derived from more regular, more intelligent, and more complete development of the resources of the domain of the waters, as well for the enrichment of the soil as for food.

The very mistakes by which this awakened interest has been accompanied show how important it is to exhibit clearly the progress which has been really made.

Is there to-day an industry of the waters to take possession of our shores, of our rivers, of our lakes; to expend intelligence and capital in improvements; to confer a value upon those overflowed lands whose culture has long been considered impossible; an industry, in a word, which will one day hold the same relation to fishery that agriculture holds to the chase?

To answer this question, and to propose several which are suggested by it, is the purpose of the Exposition of Arcachon.

Its usefulness will not lessen its attractions; and from whatever point of view it is considered, the situation of the first exposition of fishery and water culture will appear well chosen.

Situated upon the sea-shore, on the line of the southern railway, adjacent to a series of lakes, forming itself, by its oyster beds and its fish reservoirs, an exposition impossible to transport, the *Basin of Arcachon* affords to the industry of the waters every facility of manifestation.

The effect of an exposition, as well as its success, greatly depends also upon the grouping of the objects displayed. So the art which is employed in the presentation of each detail, while respecting the order of subordination established in a systematic classification, will be able to interest even the curious, without distracting the attention of scientific and professional observers.

The fish, for instance, will be preserved by means of the improved processes, or modelled as are the collections of fruits which form the admiration of visitors in the expositions of horticulture, or alive in those aquaria which no one ever tires of seeing in the gardens of acclimatation.

The neighborhood of the basin will make it convenient to renew, as often as necessary, the water and specimens of the reservoirs.

A saloon will be set apart for the reading of papers. The society is not without hope of seeing opened a series of scientific conferences which will be the soul and spirit of the Exposition.

The timeliness, utility, and attractions of this Exposition induce the Scientific Society to count for its organization upon all those who, as economists, publicists, statesmen, are interested in the development of production and the well-being of populations.

It appeals also to those populations engaged in aquatic industry, over whose future this Exposition can exert so happy an influence, and, in particular, to the maritime population, to the proprietors and inhabitants of the shore of Arcachon, who, in addition to their part in the ultimate results, will enjoy the immediate advantage of attracting to their basin, their port, their strait and its industry the attention of a competent and enlightened public.

The society appeals to interest; it appeals to sympathy.

The prolonged tempests of this winter have not only caused disastrous shipwrecks, but they have rendered fishing impossible during a part of the season.

If these disasters are irreparable, there is no better means of preventing their repetition than by following the society in the way they have taken to be useful to our fishermen.

An Exposition is a great school which is only open for a moment.

To assure the happy results of that of Arcachon, the Scientific Society, after its adjournment, will constitute a museum and a library of objects relating to fishery and to water culture.

ARCACHON, *April 15, 1865.*

The council of administration—

LAMARQUE DE PLAISANCE, (Mayor of Arcachon,
Member of the Council General of the Gironde,)
Honorary President.

DR. HAMEAU, *President.*

DR. MICÉ, *Vice-President.*

COMTE DE MONTAULT, *Secretary.*

DMOKOWSKI, *Treasurer.*

FILLIOUX, *Conservator.*

Administrators—

P. LACON, *Late Inspector of the Imperial
Commission of London.*

X. MOULS.

BERO.

CASPARY.

A 3.

[Enclosure 3 to despatch No. 187.]

General regulations and dispositions.

GENERAL REGULATIONS.

TITLE I.

ARTICLE 1. The exposition of fishery and water culture shall be opened at Arcachon in the month of July, 1866. It will continue one month at least, and three months at most.

ART. 2. It will receive products, implements, and writings.

ART. 3. Products comprise fish, birds, shells, plants, salts, &c., and generally animals, vegetables, and minerals produced in salt or fresh waters. These products include also certain salt provisions, conserves, oils, &c., and generally those manufactured and industrial products derived from the waters.

ART. 4. Implements comprise boats, nets, lines, collecting apparatus, and generally all the appliances and tools of fishery and of water culture in their practical form or as models. They comprehend also certain raw materials, such as cordage, thread, hemp, cotton, &c., as well as the machines used in manufacturing them.

ART. 5. Writings comprise books, essays, pamphlets, memoranda, documents, notes, statistics, newspaper articles, journals and reviews, &c., and generally works on fishery and water culture, printed or in manuscript. A special section (section III) will be devoted to manuscripts in these regulations. Plans in relief, models, designs, photographs, cards, &c., may be exposed with the objects to which they belong, or separately.

ART. 6. Articles admitted will be exhibited under the name of the fisherman, the water cultivator, the manufacturer, the sail-maker, the rope-maker, the net-maker, the constructor, the inventor, the author, &c., and, in general, of the producer or workman. But they may also be exhibited under the name of the dealer, the collector, the jobber in such articles.

ART. 7. The admission to the exhibition of any object, under any title whatever, will not prejudice in the least the rights of property, invention or priority.

ART. 8. The manufacturers of pumps, cloths, tarred papers, &c., and, in general, of things necessary in the establishment of the Exposition, who may offer to furnish gratuitously or at reduced prices a part of the fitting up, shall be admitted as exhibitors unclassified.

ART. 9. There will be admitted as exhibitors in like manner, unclassified, when it is not practicable to classify them, museums, societies, scientific men, or artists possessing objects of art, such as jewels, paintings, pictures, made with aquatic products, or objects of art, such as fountains, basins, statues, which may serve to increase the attraction of the Exposition.

ART. 10. Functionaries stationed at convenient points are requested, as well as private individuals, to assist in every way possible the work of the Scientific Society. They may do this in promoting the establishment of separate expositions, and especially of collective expositions.

ART. 11. Communications made by the authorities or by individuals on the subject of the Exposition will be addressed to *M. le Directeur de l'Exposition à Arcachon, Gironde.*

SECTION II.

Special dispositions of products, of implements, and of works, not manuscript.

TITLE II.

Admission of exhibitors.

ART. 12. Applications for admission of French exhibitors should be made to the president of the society before the 31st October, 1865. The first applications will have preference, other things being equal. Those persons especially who would desire to have cast, or stuffed, or modelled, at the cost of the Scientific Society, the natural products or the implements of their locality, should forward their application for admission as soon as possible.

ART. 13. Applications for admission should indicate :

1. The name and residence of the applicant legibly written.
2. The number and nature of the objects presented.
3. Their dimensions, length, breadth, and height.
4. The conditions of exposition which they require, (shelter, glass, fresh or salt water.)
5. The title under which the applicant desires to be admitted as exhibitor.

ART. 14. There shall be joined to each application for admission a card for the Committee on Prizes, which card shall contain all general or special information necessary for the appreciation of the merit of the objects presented, and of the importance of the industry or commerce which they serve, or may serve.

ART. 15. The commonest products, the most ordinary implements, will not be refused unless space should lack.

ART. 16. The exhibitors who are admitted, as well as those who are refused, will be informed of the decision concerning them as soon as possible, or, at latest, before the 15th of March.

ART. 17. A catalogue, which will appear the day of the opening of the Exposition, will give the exact list of the exhibitors admitted, and will add to their names, if desired, a résumé of the information which they have furnished.

ART. 18. The prospectuses may be printed entire, in addition to the catalogue, at the cost of the exhibitor who shall have requested it in the card forwarded to the Committee on Prizes.

TITLE III.

Transport, reception, unpacking, arrangement, supervision, repacking, and return of objects admitted.

ART. 19. The objects admitted will be forwarded to the address indicated above (Art. 10 and 11) during the month of June, 1866, unless special indications to the contrary shall be issued from the commission of the Exposition.

Raw products, for instance, which are to be modelled or set up at the cost of the society, should be forwarded as soon after their admission as the fishing season will permit, to the address which will be finally indicated. Those which are to be forwarded alive should not, on the other hand, be sent until a time as near as possible to the opening of the Exposition, or even during its continuance.

ART. 20. The objects sent should all bear, legibly written, their local names, and as far as possible their synonyms, the name of the exhibitor, the place of production, and the price of sale.

ART. 21. The society will transport over the railroads of France from the station whence they are forwarded, will receive, unpack, arrange, guard, re-pack, and, finally, will send back to the before-mentioned station all, at its own cost, the objects to which it thinks this favor should be accorded.

ART. 22. The letter of admission sent to each exhibitor after the 1st of January, 1866, will let him know if the society intends to charge itself with a part of the expense of his contribution, and what part.

ART. 23. The living products, plants or animals, will be placed in reservoirs

or cages, at the cost of the society. Water, salt or fresh, and food, will be furnished them gratuitously up to the day indicated for their departure.

ART. 24. Such dead products as have been preserved by the care of the society may be reclaimed by paying the cost of the work. It will be the same with moulds and models.

ART. 25. The society will confide the preparation of dead products admitted in their natural state to a distinguished naturalist; but it does not answer for their preparation, nor for their modelling. It will take the necessary measures to guard the object exposed from all accidents; but it is in no way responsible for fires, breakages, injuries, or damages which they may suffer, whatever may be their cause and extent. Still less will it be responsible for the sickness or death of any product received alive. It will take care that the objects exhibited shall be cared for by numerous and active employés; but it will not be responsible for thefts and abstractions which may take place.

ART. 26. No object exhibited shall be taken from the place of the Exposition before its close without special permission of the director.

ART. 27. A special personal ticket of admission will be given to each exhibitor or his agent gratuitously.

TITLE IV.

Prizes.

ART. 28. A special committee shall be charged with the distribution of prizes to exhibitors who, under any title, shall appear to merit them.

ART. 29. These prizes will consist of medals and honorable mentions.

ART. 30. A report of the Exposition of Arcachon will be addressed to the imperial commission of the Universal Exposition of Paris in 1867.

ART. 31. The prize exhibitors may form, under the patronage of the Scientific Society, a collective exposition to be presented to the Exposition of Paris, in the section of fishery and water culture.

SECTION III.

Special dispositions of manuscripts.

TITLE V.

ART. 32. There will be addressed to all the persons who request it of the society, a formula of questions relative to fishery and water culture, from the stand-point of natural history and industry.

ART. 33. The answers to this series of questions should come to the society before the 1st of March, 1866.

ART. 34. The necessary expenses of this branch of the Exposition, carriage, arrangement, return, will be borne entirely by the society for all papers accepted.

ART. 35. No paper shall be refused which shall be of the character of an observation of facts.

ART. 36. The most interesting articles furnished by exhibitors admitted may be printed at the expense of the society, and published by it as a résumé of their work.

ART. 37. The rules of articles 25, 26, 27, 28, and 29 are applicable to exhibitors of manuscripts.

SECTION IV.

Prize of honor.

TITLE VI.

ART. 38. There will be conferred, in the distribution of prizes, a premium of honor upon the system of water culture which has realized the most profitable improvements, and those most fitted to be offered as examples.

ART. 39. Water cultivators desirous of competing for this premium should make their applications to the president of the Scientific Society, before the 1st January, 1866, addressing to him a detailed report of their system.

ART. 40. A sub-commission will be charged by the commission of the Exposition to visit those establishments which it may be considered necessary to visit.

TABLE OF CLASSES.

(Each class will be divided into two sections, fishery and water culture; and each section into two sub-sections, salt water and fresh water.)

PRODUCTS.

1. Products serving for food.
2. Products serving for medicine.
3. Products serving for the arts.
4. Products serving for industry in general.
5. Products serving for agriculture.
6. Products serving for the industry of the waters themselves.
7. Miscellaneous products.
8. Collection of products.

IMPLEMENTS.

9. Implements of preparation.
10. Implements of transportation.
11. Implements of labor.
12. Implements of preservation.
13. Implements for forwarding.
14. Miscellaneous implements.
15. Collection of implements.

WRITINGS.

16. Writings on natural history.
17. Writings on technology.
18. Writings on social economy.
19. Miscellaneous writings.
20. Collection of writings.

PAUL LACON, *Director.*

A 4.

[Enclosure 4 to despatch No. 187.]

Mr. Bigelow to Mr. Coste.

LEGATION OF THE UNITED STATES,

Paris, October 25, 1865.

SIR: I have the honor to acknowledge the receipt of your favor of the 14th instant, with its enclosures, inviting my country people to participate in the International Exposition of fishery and water culture which is to have place at Arcachon in July next.

I have read the circular and regulations issued by the Scientific Society of Arcachon with great interest, and do not permit myself to doubt that the results of the contemplated Exposition will be proportioned to the distinguished auspices under which it is commended to the public attention.

I have taken steps to have the project brought to the knowledge of my country

people, and beg to assure you that nothing shall be wanting on my part to secure such a representation from the United States as is due from a country adapted by nature to profit more largely, perhaps, than any other in the development of the sciences of fishery and water culture.

I shall avail myself of an early opportunity of sending you, as you request, a list of persons to whom the Scientific Society might, with advantage, address copies of its circulars.

Accept, sir, the assurance of my most distinguished consideration,

JOHN BIGELOW.

Monsieur COSTE, *of the Institute of France.*

B.

[Despatch No. 196 with one enclosure.]

Mr. Bigelow to Mr. Seward.

LEGATION OF THE UNITED STATES,

Paris, November 15, 1865.

SIR: I have the honor to transmit a note just received from the Paris commissioner of the Exposition of fishery and water culture, which I beg you to add to the documents already sent in relation to that subject,

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

HON. WILLIAM H. SEWARD,

Secretary of State.

B 1.

[Enclosure to No. 196.]

Mr. Reddemont to Mr. Bigelow.

PARIS, *November 2, 1865.*

MR. MINISTER: I have only just now received the reply to the question you addressed to me some days ago relative to the transportation of the products or objects which are to figure in 1866 at the International Exposition of fishery and water culture at Arcachon.

I hasten to inform you the transportation will be wholly at the charge of exhibitors, but the objects which they send will enjoy a reduction of 50 per cent. upon all ships of the "Compagnie General Trans-Atlantique."

I take advantage of this occasion, Mr. Minister, to beg that you will send me, as promptly as possible, the list of exhibitors to whom the Scientific Society should address itself, and especially the name and the address of the manufacturer, or savant, or public officer which it might profitably request to act as commissioner general, so as to centralize its operations as much as possible in each nation.

I have the honor to be, with profound respect, Mr. Minister, your very obedient and very devoted servant,

A. LOYSEAU DE REDDEMONT,

*Member of the Committee of Paris, and Commissioner of the
Scientific Exposition of Arcachon, 9 Rue de Grefulhe, Paris.*

HON. JOHN BIGELOW, &c., &c., &c., *Paris.*

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 5th instant, a report from the Secretary of State, upon the subject of the supposed kidnapping of colored persons in the southern States for the purpose of selling them as slaves in Cuba.

MARCH 16, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 5th instant, upon the subject of the supposed kidnapping of colored persons in the southern States for the purpose of selling them as slaves in Cuba, I transmit a report from the Secretary of State, to whom the resolution was referred.

ANDREW JOHNSON.

WASHINGTON, March 15, 1866.

DEPARTMENT OF STATE,
Washington, March 15, 1866.

The Secretary of State, to whom was referred the resolution of the Senate of the 5th instant, requesting the President "to communicate to the Senate, if not incompatible with the public interest, any information which may be in the possession of the Executive in regard to the alleged kidnapping of colored persons in the southern States for the purpose of selling them as slaves in Cuba or elsewhere," has the honor to lay before the President the papers mentioned in the accompanying list, which are all in this department, upon the subject of the resolution.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers accompanying the report of the Secretary of State to the President, of March 15, 1866.

Mr. Seward to Mr. Savage, August 29, 1865, with accompaniments.

Mr. Savage to Mr. Seward, September 15, 1865.

Mr. Durant to Mr. Seward, January 1, 1866.

Mr. Congar to Mr. Durant, January 11, 1866.

Mr. Congar to Mr. Minor, January 12, 1866.

Mr. Hunter to Mr. Minor, with an accompaniment, January 24, 1866.

Mr. Tassara to Mr. Seward, translation, February 4, 1866.

Mr. Seward to Mr. Tassara, February 16, 1866.

Mr. Hall to Mr. Seward, with accompaniments, February 17, 1866.

Mr. Minor to Mr. Seward, February 19, 1866.

Mr. Seward to Mr. Savage.

No. 68.]

DEPARTMENT OF STATE,
Washington, August 29, 1865.

SIR: I transmit a copy of a letter of the 10th instant, and the accompanying papers, addressed to this department by the Secretary of War, on the subject of three colored children abducted from New Orleans and carried to Havana, or some other port of Cuba, where it is supposed they now are.

You will make such inquiries in regard to the matter as may be in your power, and report the result to this department, in order that, if the children can be identified, proper measures may be adopted with a view to their return to New Orleans.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS SAVAGE, Esq.,
Vice-Consul General, Havana.

WAR DEPARTMENT,
Washington City, August 10, 1865.

SIR: I am instructed by the Secretary of War to invite your attention to the enclosed copy of a communication and of its accompaniments from Major General Canby, relating to the abduction from New Orleans of three colored children, and their transfer to the island of Cuba, where it is alleged they are now held in a state of slavery.

I have the honor to be, sir, your obedient servant,

THOMAS T. ECKERT,
Acting Assistant Secretary of War.

Hon. W. H. SEWARD,
Secretary of State.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, July 15, 1865.

SIR: I have the honor to request that the attention of the Secretary of State may be invited to the accompanying papers relating to the abduction of three colored children from this city, and their transfer to the island of Cuba, where it is alleged they are now held in a state of slavery.

The status of these children at the time of abduction was that of slaves, and their introduction into the island of Cuba was in violation of the laws of Spain. I presume that on a representation of the facts by the Secretary of State the authorities of that island would require them to be returned to this city, in order that they may be returned to the mother. I do not see any other way in which this result can be obtained. It is desirable also that such evidence may be

procured, if it can be done, as will determine the guilt or innocence of Mrs. De Hart, who is implicated in the abduction and is now detained here under bonds.

The presumptions are strongly against her as an accomplice in the abduction, but there is not sufficient evidence to bring her to trial.

The paper marked "A" is a brief of the case.

Very respectfully, your obedient servant,

EDWARD M. CANBY,

Major General Commanding.

HON. SECRETARY OF WAR,
Washington, D. C.

A.

ROSE ELYRA
vs.
Mrs. A. V. DE HART. }

Recapitulation.

April 17, 1860.—Rose Elyra, slave girl, aged twenty-two and a half ($22\frac{1}{2}$) years, with two (2) children, Ernest, four (4) years, and Marie, two (2) years of age were sold by Mr. Sostherne Allain, of the parish of West Baton Rouge, to W. N. Mercer, of New Orleans, La., for \$1,500.

W. N. Mercer bought as agent for and on account of Dr. J. A. De Hart, who paid him \$500 cash, and two mortgage notes for \$500 each, secured upon said slaves.

The instrument of sale bears W. N. Mercer's indorsement that the notes were subsequently paid and extinguished, vesting all right, title, and interest to the aforesaid slaves in Mr. De Hart. The indorsement is without date.

August 14, 1862.—Dr. J. A. De Hart executed bill of sale and transfer to Madam Roland, widow, (both of New Orleans, La.,) of Rose and three (3) children, aged respectively six (6) years, four (4) years, and twenty (20) months, for \$900, of which \$400 was alleged to be paid and received in cash, and two notes given and accepted for \$250 each, secured by mortgage on said slaves.

April 8, 1865.—(A certificate from the mortgage office, New Orleans, La., April 8, 1865, shows that the above mortgage, at that date, had not been cancelled.)

October, 1862.—Mr. J. A. De Hart left New Orleans for Havana, Cuba.

December 18, 1862.—Rose Elyra was arrested and, with her infant of two (2) months, placed in the parish prison for alleged insolence to her mistress and owner, Madam Roland.

January 15, 1863.—Rose Elyra, with infant, released from prison by order of Colonel Deming, military mayor of New Orleans, upon Madam Roland's application, dated January 7, 1865.

January 15, 1863.—Mrs. De Hart, Madam Roland, son, and three (3) children, embarked in steamer Bio Bio for Havana, Cuba. Before embarking Mrs. De Hart visits Rose at the prison, and requests her to go to Havana with them. Rose declined, through sickness, according to Mrs. De Hart's testimony; through aversion and disinclination, as Rose alleges.

January 16, 1863.—Steamer Bio Bio sailed for Havana, carrying Madam Roland, Mrs. De Hart and the three children, then aged six (6) years, four (4) years, and two (2) years, respectively.

January 2, 1865.—Mrs. A. V. De Hart returned to New Orleans, La., from Havana.

January 6, 1865.—Arrested on charge, by Rose, of kidnapping the three (3) children aforesaid.

January 11, 1865.—Placed under bonds, \$1,000, to appear before recorder's court, 2d district.

February 28, 1865.—Dismissed by Recorder Woolfley, on the ground that there was no statute applicable in such a criminal prosecution, and that no statute had been violated.

March 4, 1865.—Rose Elyra petitions Major General Hurlbut, commanding department of the Gulf, for his interference and for the recovery of her children.

March 6, 1865.—Major General Hurlbut orders the arrest of Mrs. De Hart, and her examination before Major Lieber, judge advocate, at the same time granting a hearing for bail.

May 13, 1865.—Special Orders No. 126, paragraph 10, headquarters department of the Gulf, Major General Banks commanding, announces Mrs. A. V. De Hart acquitted of the implied charge of kidnapping, but guilty of improperly and unlawfully separating children of less than ten (10) years of age from their mother. In view of her long confinement, accused is ordered to be released and set at liberty, provided she first secures the return and restoration of the three (3) children to their mother, the natural guardian. Provost marshal general is charged with the execution of this order.

June 22 and 27, 1865.—Mrs. De Hart, upon oath before a justice of the peace, solemnly disclaims any ownership, at any time, in said children; any control of them ever or now, and any and all participation in their removal to Havana, Cuba. She further avers that their production and restoration to the mother is, on her part, an utter impossibility.

July 1, 1865.—Major General Canby, by Special Orders No. 175, paragraph 3, current series, headquarters department of the Gulf, revokes Special Order No. 126, paragraph 10, current series, in that the provost court was without jurisdiction in the case. Mrs. De Hart is to be released from confinement and placed under bonds, to be approved by the provost marshal general of the department, to remain in this city and await the result of an application to the Spanish authorities for the return of the three (3) children of Rose Elyra.

S. M. EATON,

Captain, C. S. O., Department of the Gulf.

NEW ORLEANS, LA., *July 3, 1865,*

STATE OF LOUISIANA, *Parish of Orleans:*

James Fuller, district attorney first judicial district, Louisiana, being duly sworn, on oath states that he is well acquainted with Mrs. Mary De Hart, and that, to the best of his knowledge and belief, the three children of Rose Elyra (colored) are not in the possession nor under the control of the said Mrs. De Hart; that he verily believes the said children are now in the island of Cuba, and that their production by said Mrs. De Hart is an absolute impossibility.

JAMES FULLER.

Subscribed and sworn to before me, this 22d day of June, 1865.

MICHAEL GERNON, *Notary Public.*

STATE OF LOUISIANA, *Parish of Orleans:*

Personally appeared before me, the undersigned authority, Mrs. Mary De Hart, who, being duly sworn, on oath states that some time in the year 1862 the three children of Rose Elyra (colored) were sold, with their mother, by the husband of the said Mrs. De Hart, to Mrs. Roland; that the last time affiant saw said children was about six months ago, in the island of Cuba; that the

said children were not then, have not since been, and are not now, in the possession, ownership, nor in any manner under the power or control of affiant; that she has no right or title to or in said children; that she has no right or power to control the movements of said children; that she is not pecuniarily or otherwise able to purchase said children, nor to obtain possession or control over them; and that the production or return of said children by affiant to this city is absolutely impossible.

MARY AMILIE DE HART.

Subscribed and sworn to before me, this 22d day of June, 1865.

HUGH MADDER, *Notary Public.*

STATE OF LOUISIANA, *Parish of Orleans, ss:*

Be it known that before me, the undersigned authority, personally appeared Mrs. Mary A. De Hart, who, being duly sworn, on oath states that the three children of Rose Elyra, for the kidnapping of whom affiant was tried before the provost court, were duly and *bona fide* sold by the husband of affiant to Mrs. Roland; that the said children were never in the possession or power of affiant; that, to the best of her knowledge and belief, the said children are in the possession of Mrs. Roland, now residing in Havana, and that by the Cuban laws Mrs. Roland cannot sell said children; that affiant was not in any way or manner, directly or indirectly, instrumental in separating said children from their said mother, nor did affiant assist therein; that the said children were not taken away without the consent of their parents, but with the consent of both father and mother, and with the promise on the part of the mother to go with them; and that affiant is absolutely unable to return said children or procure their return to this State.

AMILIE DE HART.

Subscribed and sworn to before me, this 27th day of June, 1865.

SAMUEL MYERS,

2d Justice of the Peace, Parish of Orleans.

STATE OF LOUISIANA, *Parish of Orleans, ss:*

We, the undersigned, do solemnly swear that we are well acquainted with Mrs. Mary A. De Hart, whose name is signed to the foregoing affidavit; that we believe her to be truthful and reliable, and that the statements she has made in said affidavit are true, to the best of our knowledge and belief.

CLARA STOCKTON.

CARLOS G'TO LEBEQUE.

S. P. LAMON.

CHARLES CHADWICK.

Subscribed and sworn to before me, this 27th day of June, 1865.

SAMUEL MYERS,

2d Justice of the Peace, Parish of Orleans.

HEADQUARTERS DEPARTMENT OF THE GULF,

New Orleans, May 13, 1865.

[Special Order No. —.]

In the case of Mrs. A. V. De Hart, examined before the provost court, department of the Gulf, the accused is acquitted of the implied charge of kidnap-

ping, but found guilty of improperly and unlawfully separating children of less than ten years of age from the mother.

In consideration of the period of confinement already undergone by accused, she will be released and set at liberty. The return of the three children of Rose Elyra to their mother, who under existing laws is their natural guardian, is made a condition precedent to such release. The provost marshal general, department of the Gulf, is charged with the execution of this order.

Approved:

N. P. BANKS,
Major General Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, 1865.

The trial of Madam De Hart by the provost court, and the decision of the case by the commanding general, was in lieu of a commission, and had the same effect. Hers was a case proper for such commission, as other courts had failed to meet the demands of justice. It was an arbitrary act of the commanding general, and allowable in times of war, like a thousand other corresponding acts that the exigencies of such times demand. Nor was the commanding general bound, in the administration of justice, to follow any statute of the State, or apply the penalty thereto attached; and the term "unlawfully separating the children," &c., is simply descriptive of the offence committed.

Mrs. De Hart, as the proof shows, was *particeps criminis* at least, and the probable principal in the outrage complained of.

This investigation was upon a petition, and not upon a distinct charge of kidnapping, and if found guilty of any facts constituting an offence against the public good, was, by such authority mentioned, justly subject to such punishment as he might deem appropriate and proper.

The children mentioned for many years have been, and were at the time of their removal, in the possession and under the control of Mrs. De Hart, no change of possession ever having taken place, notwithstanding the pretended sale to Madam Roland, and are now with Madam Roland and the husband of Mrs. De Hart, and to appearances within her control. This, taken together with the assertion of the counsel of the accused that the children could be produced upon the trial, would indicate her ability to return the children, that she had assisted in taking to a foreign country as slaves, to the mother, the natural guardian, in a country where no slaves exist.

The order in the case of Mrs. De Hart proceeds upon the ground that she controlled the children; and if it shall be made fully to appear that she is absolutely unable to comply with the condition precedent to release mentioned in such order, then, and not till then, should she be unconditionally set at liberty.

MAYORALTY OF NEW ORLEANS,
City Hall, January 7, 1863.

SIR: You will release from custody the slave girl "Rose," belonging to Mrs. Roland, upon the payment of jail fees.

By order of—

HENRY C. DEMING,
Colonel United States Volunteers and Acting Mayor.
THOS. HY. MURPHY, Secretary.

J. W. MILLER, Esq.,
Keeper of Police Jail.

In the matter of Rose Elyra, provost court of the department of the Gulf.

The prosecution having, through inadvertence, omitted to offer in evidence, on trial of the cause on the 13th April, 1865, the certificate from the mortgage office, hereunto annexed and marked R, dated March 24, and extended to April 8, 1865, showing that the mortgage on the slave Rose and her three children, given by Mrs. Roland to J. A. De Hart to secure the sum of five hundred dollars, a portion of the price, as per act before Graham, offered in evidence by the defence, has never been cancelled, it is now ordered that said certificate be filed in evidence *nunc pro tunc*, and that the defendant, Mrs. De Hart, and her counsel have leave to file such written deposition, or other evidence of a legal character on this point, as they may deem necessary.

G. NORMAN LIEBER,
Major, Judge Advocate, Judge Provost Court.

R.

I, the undersigned, recorder of mortgage for the parish of Orleans, city of New Orleans, State of Louisiana, certify that the mortgage granted by Carmelite Boco, widow of George Roland, in favor of James Andrew De Hart, as per act before James Graham, notary, on the 14th August, 1862, and bearing on a certain mulatto woman named Rose, aged about twenty-four years, and her three children, viz: a boy named Ernest, aged about six years, a girl named Mary, aged about four years, and a girl named Josephine, aged about twenty months, to secure \$500, interest and costs, has never been cancelled and annulled from the books of my office, viz: B. 78, s. 397.

J. W. MADDER, *Recorder.*

NEW ORLEANS, *March 24, 1865.*

This certificate is good for this day.

J. W. MADDER, *Recorder.*

NEW ORLEANS, *April 8, 1865.*

NEW ORLEANS, *March 10, 1865.*

MAJOR: On Wednesday, towards 3 p. m., I found on my desk a note from Captain Fenton Rockwell, stating that the case of Rose Elyra was to be tried on to-day at 10 o'clock. I applied at once to Major General Hurlbut to ask you to have the case continued, and it was only yesterday at 4 p. m. that he sent me word that the application must be made by myself to you. The party concerned, Rose Elyra, has not been informed the case is for trial. She lives remote from my office, viz: at the corner of Burgundy and Barrack, and, not knowing the case would come on, I have not notified her.

On the 7th of March I applied to Major General Hurlbut for instructions to be given to the provost marshal for a copy of the passports for Mrs. De Hart and the three children by the Bio Bio to Havana, and an explanation how the children were permitted to go; also for an explanation from Warnekin & Co. as to what is contained in their books on the subject; they were the agents of the Bio Bio. The general has informed me that he has ordered this information to be furnished to me, but it has not yet been received.

I have also applied to the police jail for copies of the orders by which Rose

was lodged in and discharged from jail, and for the name of the police officer who committed her, but I have not yet been able to get these facts.

I beg that the case may be postponed for two weeks.

Respectfully,

THOMAS J. DURANT,
For DURANT & HORNER.

Major LIEBER, *Provost Judge*.

PROVOST COURT, DEPARTMENT OF THE GULF,
Office of Judge Advocate, New Orleans, April 14, 1865.

The order introducing certificate that mortgage of Rose, &c., is not cancelled, is granted.

Notice will be given to counsel for defence.

Yours, very truly,

FENTON ROCKWELL,
Captain and Judge Advocate.

DURANT & HORNER, Esqs.

NEW ORLEANS, *March 20, 1865.*

DEAR SIR: We wrote you on the 15th instant in regard to this matter, and to that letter we beg to refer.

Henry Train, esq., St. Peter street, opposite Jackson square, tried the cause before Woolfley, recorder of second district, and can give you valuable information on the subject, if you will have the kindness to refer to him.

1st. Rose Elyra, the petitioner, lives at the corner of Burgundy and Barrack street. Can prove all the facts of her own imprisonment, the threats and inducements held out to her to go to Havana, the spiriting away of her children by Mrs. De Hart, and that she has recently been called upon and menaced by two white men on account of her complaint.

2d. P. A. Sauer, dentist, No. 14 Baronne street, or 229 St. Claude, saw the children in Havana, in the custody of Mr. De Hart, husband of the accused.

3d. Léocadie, No. 359 Remport street, is the mother of the petitioner, Rose Elyra; knows that Rose was imprisoned and her children taken off, against her remonstrance, to Havana, by Mrs. De Hart.

4th. Julia, No. 167 Ursuline street, between Dauphine and Burgundy, was in prison at the same time with Rose Elyra; knows that Mrs. De Hart visited Rose in the prison, menaced her, and said she would carry off her children.

It is said that shortly before Mrs. De Hart left New Orleans a sham bill of sale of Rose and her children was made by De Hart to a relative residing in his family—by name Mrs. Roland. The latter was a person of no means, and unable to make such a purchase. De Hart himself at the time was pressed with debt, and may have passed the sale to cover up the property from the pursuit of his creditors. These facts can be proved by—

5th. Dr. J. L. Riddell, Dryades street, near canal. In the True Delta of Friday, January 16, 1863, I found the list of passengers by the steamship Bio Bio, and among them those of Mrs. De Hart and Mrs. Roland. These are the persons.

6th. These witnesses, together with such as you can get from the suggestions of our letter of March 15, 1865, will, I think, be all the testimony that can be furnished.

Most respectfully, your obedient servants,

DURANT & HORNER,
By THOMAS J. DURANT.

Captain FENTON ROCKWELL,

Judge Advocate Provost Court, Department of the Gulf.

NEW ORLEANS, March 8, 1865.

GENERAL: We have just received, 12 $\frac{3}{4}$ p. m., the enclosed notice of trial, Fenton Rockwell, captain, judge advocate, for Friday, at 10 a. m., in the case of Rosa Elyra, the woman whose children were taken off to Havana. (Doc. A, herewith.)

We beg you to order the trial to be postponed, and not fixed again until we shall have had time to procure the necessary evidence.

1st. We want the evidence from the provost marshal's office and from the counting-room of Warneken & Co., with regard to which we had the honor of addressing you yesterday.

2d. We want the information and evidence called for in our letter to keeper of parish prison, copy herewith, marked B. He referred me to keeper of police jail, and he writes back that he will give us the privilege of examining the records ourselves if we choose. (See Doc. C.) To do this we must have time, as we cannot well lay all other business aside. There must be but one volume, we should think, containing December and January, 1862 and 1863.

The woman, Rose Elyra, tells me this morning that last evening, about dusk, two white men came to the house, corner of Burgundy and Barrack, where she is employed; they were strangers to her; they tried to induce her, by expostulation and by threats of injury to her children in Havana, to abandon the effort to procure their restoration. From this I infer that Mrs. De Hart has unscrupulous friends to aid her.

I remain, very respectfully, your obedient servant,

THOMAS J. DURANT.

Major General S. A. HURLBUT,

Commanding Department of the Gulf.

NEW ORLEANS, April 15, 1865.

DEAR SIR: I send you a brief in the case of Rose Elyra, which I hope will meet your approval.

I remain your obedient servant,

THOMAS J. DURANT.

Captain FENTON ROCKWELL,

Judge Advocate Provost Court.

A.

PROVOST COURT, DEPARTMENT OF THE GULF,
Office of Judge Advocate, New Orleans, March 8, 1865.

DURANT & HORNER, Esqs., Counsellors, &c.:

The investigation in the case of petition of Rose Elyra, for children, will be set down for Friday, at 10 a. m. Will you have the kindness to be ready at that time with witnesses. The case is too important to admit of any delay.

Yours, &c.,

FENTON ROCKWELL,
Captain and Judge Advocate.

C.

NEW ORLEANS, *March*, 1865.

SIR: The enclosed letter was sent to the keeper of the parish prison to-day. He refers us to the "books of the police jail." We therefore send it to you, and beg the favor of an answer, while we remain your obedient servants,

DURANT & HORNER,

18 *Carondelet street*.KEEPER of the *Police Jail*.NEW ORLEANS, *March* 15, 1865.

DEAR SIR: In the matter of Rose Elyra, referred to your court by Major General Hurlbut, we beg leave respectfully to suggest that the following information might be obtained from the police jail, and would be useful:

1. The order by which Rose was committed to jail in December, 1862.
2. The order by which she was discharged from prison.
3. The name of the police officer who conducted her to prison, and his present place of residence.
4. And whatever other entries there may be on the books of the police jail, at that time, in relation to her.

We have begged General Hurlbut to have the provost marshal general inform us what appears on the books as to the passports obtained by Mrs. De Hart to leave the city for Havana, with Rose's three children, by the steamship Bio Bio, about the middle of January, 1863; and a statement of the means, if known, by which Mrs. De Hart could get a pass then for three colored children of such tender years. We have also begged General Hurlbut to have Warnecken & Co., merchants, in Union street, the agents of the steamship Bio Bio at the time, to disclose what their books show about the three children.

General Hurlbut has directed the provost marshal general to give the information, which will no doubt be done, though perhaps it might be well it should be known that you also desire it.

Yours, respectfully,

DURANT & HORNER,

18 *Carondelet street*.Captain FENTON ROCKWELL, *Judge Advocate*.NEW ORLEANS, *March* 10, 1865.

DEAR SIR: Your favor of date of yesterday is this moment received, and we return you many thanks.

Just before your messenger entered we had sent a letter to Major Lieber suggesting a postponement, and designating the evidence we were in quest of. We shall shortly avail ourselves of the aid of the process of the court to obtain the proper testimony, and in the mean time remain, with great respect, your obedient servants,

DURANT & HORNER.

Captain FENTON ROCKWELL, *Judge Advocate*.*In the matter of Rose Elyra, provost court, department of the Gulf.*NEW ORLEANS, *April* 14, 1865.

DEAR SIR: Yesterday, through inadvertence, I did not offer in evidence the certificate I had among my papers, from the mortgage office in this city, dated 24th March, and extended to 8th April, 1865, showing that the mortgage given

by Madam Roland, in the act before James Graham, of 14th August, 1862, in favor of J. A. De Hart, for the security of the two notes given for part of the price of the slaves Rose and her three children, then pretended to have been sold by De Hart to Madam Roland, has never been cancelled, thus affording presumptive evidence that those notes never have been paid, and that the sale was a sham one. I send you the certificates of the mortgage office with this, and beg you to have it submitted to Judge Lieber as part of the evidence. I have written to Mr. Holland, the counsel of Mrs. De Hart, telling him what I have done. He can examine the certificate, and put in what counter proof he pleases.

I remain, respectfully, your obedient servant,

THOMAS J. DURANT.

Captain FENTON ROCKWELL, *Judge Advocate.*

NEW ORLEANS, *March 8, 1865.*

Received, provost court, department of the Gulf, office of judge advocate, by the hands of Officer Omaly, a sealed package, addressed "Durant & Horner, counsellors at law."

To be delivered to them when they come to their office, No. 18 Carondelet street.

JAS. A. MAXWELL,
For D. & H.

B.

NEW ORLEANS, *March 7, 1865.*

DEAR SIR: In the month of December, 1862, a colored woman, with infant child, was committed to the parish prison, and represented as the slave of J. A. De Hart, a dentist, doing business at No. 17 Baronne street at that time. The name of the woman was Rose, (sometimes called Rose Elyra, or George.) This woman was arrested at her master's house by a police officer, whose name she does not know, and lodged in jail, it is supposed, for safe-keeping, and as Mr. De Hart was then absent in Havana, it may have been at the request of Mrs. De Hart. The woman was kept in jail until about the 15th or 16th of January, 1863. The object of the present is to ask, 1st, a copy of the order by which she was committed to prison; 2d, a copy of the order by which she was discharged from prison; 3d, the name of the police officer who brought her to prison, and his present place of residence; 4th, the name of the person who took her out of prison, and his present place of residence; 5th, if there are any entries on the books of these or other matters relating to this woman, we beg you to give us copies of them.

We remain, respectfully,

DURANT & HORNER,

Attorneys at Law, 18 Carondelet street.

The KEEPER of the Parish Prison.

NEW ORLEANS, *March 7, 1865.*

Respectfully referred to the books of the police jail.

E. V. SULIN,
Acting Keeper of Parish Prison.

PROVOST COURT, DEPARTMENT OF THE GULF,
New Orleans, April 21, 1865.

CAPTAIN: I have the honor to forward herewith the proceedings in the case of Mrs. De Hart, referred to me for the purpose of taking the evidence. Please return the papers put in evidence in the case herein enclosed.

Very respectfully, your obedient servant,

G. NORMAN LIEBER,
Major, Judge Advocate J. P. C.

Captain H. STONE,
Assistant Adjutant General.

NEW ORLEANS, *March 4, 1865.*

GENERAL: We send you with this the petition of Rose Elyra, a colored woman, who has been inhumanly and illegally deprived of her children, and to whom we hope you will be able to grant a remedy.

We were not consulted on the subject previous to the decision of Recorder Woolfley. Mr. Henry Train, who then had the matter in hand, and still gives his services in it, accompanies the woman, and can give any explanation that may be required.

We beg to present Mr. Train to you as a gentleman of entire loyalty, and every way worthy of regard.

We remain, with great respect, your obedient servants,

DURANT & HORNER.

Major General S. A. HURLBUT,
Commanding the Department of the Gulf.

NEW ORLEANS, *May 9, 1865.*

HONORED SIR: We, the undersigned, ladies and gentlemen, citizens of the United States, humble petitioners, would most respectfully represent that Mrs. De Hart, a lady, resident of Havana, came to this city to pay a visit to her friends, her former place of residence, on the 3d day of January, 1865. She had been here but a few days when she was arrested on the charge of kidnapping three children of African descent, and carrying them with her to Havana. The case was tried before the recorder's court. Mrs. De Hart was acquitted. The prosecutors, through her attorneys, petitioned General Hurlbut to re-arrest Mrs. De Hart on the same charge, adding the charge of violating the military order issued by Major General Butler. In accordance with said petition, Mrs. De Hart was arrested and confined in female prison, No. 200 Julia street, on the 6th day of March, 1865. General Hurlbut ordered the case to be examined before the provost court, and referred back to him for his decision. Her examination was deferred from time to time to assist the prosecutors in obtaining evidence against her, Mrs. De Hart being ready for trial from the first day of her arrest. Mrs. De Hart also petitioned General Hurlbut, through her friends, for a personal interview, which was refused. Her examination was finally commenced about the 8th of April, 1865, and closed about the 13th of April, 1865. You, no doubt, have the testimony in that case before you. Now, we, your petitioners, verily believe that there has been an effort to prejudice the minds of those in authority against Mrs. De Hart, in this: that in the petition to General Hurlbut Mr. De Hart, the husband of Mrs. De Hart, is represented as having been an officer in the rebel army, and also, in the examination, the prosecutors attempted to prove that the doctor made a sham sale of certain slaves to Mrs. Rowland, for the purpose of defrauding his creditors. This is false; but supposing this to be true, certainly, general, you will not hold his wife responsible for his actions.

Now, we, your petitioners, humbly pray that you grant Mrs. De Hart an

interview, that she may explain to you her innocence. She has been a long time confined, as she thinks, unjustly. Should you view it upon investigation, we rely upon your well-known humanity to grant her immediate pardon.

Respectfully,

Miss KATE JOHNSON, Soniat Station.
 Mrs. A. M. McQUAID, 153 St. Charles street.
 Mrs. H. A. PITTMAN, 157 Chestnut street.
 Mrs. M. H. CLARKE, 153 St. Charles street.
 Miss C. HUBBARD, 529 Charles street.
 Mrs. J. GERRARD, 246 Baronne street.
 Mrs. A. L. STARK, 246 Baronne street.
 Mrs. J. H. BOWEN, 266 Sixth street.
 Mrs. C. J. WHITTEMORE.
 Mrs. CHARLES SWIFT.
 Mrs. E. S. P. LAMON.
 M'elle M. LAMON.
 M'elle LAMON.
 Mrs. JOSEPH DE GÉNÉRÉS.
 Mrs. C. STOCKTON.
 Miss LOUIS MALARCHER.
 Mrs. S. BLOSSMAN.
 S. M. COWAN, U. S. A.
 S. W. SCOTT.
 L. P. NORMAND.
 H. C. EDWARDS.
 RICHARD HENMERN.

Major General BANKS,

Commanding Department of the Gulf.

Ordered released upon return of children.

N. P. B.

STATE OF LOUISIANA, *Parish and City of New Orleans:*

Be it known, that on this fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States of America the eighty-seventh, before me, James Graham, a notary public, in and for the parish and city of New Orleans, State of Louisiana, duly commissioned and qualified, and in the presence of witnesses hereinafter named and undersigned, personally came and appeared James Andrew De Hart, of this city, who declared that, for the consideration hereinafter expressed, he does, by these presents, grant, bargain, sell, and convey, with all legal warranties, unto Mistress Carmelite Boco, widow of George Roland, deceased, also of this city, present, accepting and purchasing for herself, her heirs, and assigns, and acknowledging delivery and possession thereof, the following-named and described slaves for life, to wit: A certain mulatto woman, named Rose, aged about twenty-four years, and her three children, viz: a boy, named Ernest, aged about six years; a girl, named Marie, aged about four years; and a girl, named Josephine, aged about twenty months.

Said slave Rose and her two first-named children were acquired by W. Newton Mercer, by purchase from Sosthene Allain, as per the act of sale thereof, passed before Felix Grima, a notary public in this city, on the seventeenth day of April, 1861; and by the fulfilment of said De Hart of an agreement entered into between him and the said Mercer on the same day, the said slaves became the sole property of the said De Hart; all relative to which said transaction will fully appear by reference to a certified copy of said act of sale and to the said agreement, which are hereto annexed. The said slaves are hereby fully guar-

anted by said vendor against the vices, maladies, and defects prescribed by the laws of this State; and they are free from incumbrance, as the said vendor hereby declares.

The said parties dispensed with the production of a certificate from the recorder of mortgages in and for this city and parish, to show what, if any, mortgage rests against said slaves in the name of said vendor, as is otherwise required by article 3328 of the civil code of this State, to have and to hold the said slaves unto the said purchaser, her heirs and assigns, forever.

And the said vendor hereby binds himself and his heirs forever to warrant and defend the slaves herein conveyed against all claims and demands whatever.

The said vendor, moreover, transfers unto said purchaser all the rights and actions of warranty to which he himself is entitled, against all the former proprietors of the slaves herein conveyed, subrogating said purchaser to the said rights and actions, to be by her enjoyed and exercised in the same manner as they might have been by the said vendor.

This sale is made and accepted for and in consideration of the price and sum of nine hundred dollars (\$900) and interest, as hereinafter expressed; four hundred dollars of which have been paid in ready money at the execution hereof by the said purchaser to the said vendor, and for the rest the said purchaser has given her two promissory notes for the sum of two hundred and fifty dollars each, drawn to the order of, and indorsed by, herself, dated this day, and made payable at six and twelve months respectively after date, with interest from date until maturity, at the rate of six per cent. per annum, and from maturity until paid at the rate of eight per cent. per annum; which said cash and notes were delivered to the said vendor, who hereby acknowledges the receipt thereof, and grants a full discharge therefor. And now to these presents personally came and appeared Madam Emilié Grabert, of lawful age, wife of the said James Andrew De Hart, who, after having taken cognizance of the foregoing act, which I, the said notary, carefully read and explained to her, declared and said that she approves and ratifies the same, and that it is her wish and intention to release in favor of the said purchaser the slaves herein described from the matrimonial, dotal, paraphernal, and other rights, and from any claims, mortgages, or privileges to which she is or may be entitled, whether by virtue of her marriage with her said husband or otherwise.

Whereupon I, the said notary, did inform the said wife, apart and out of the presence and hearing of her husband, that, by the laws of this State, the wife has a legal mortgage on the property of her husband: First, for the restitution of her dowry, and for the reinvestment of the dotal property sold by her husband, and which she brought in marriage, reckoning from the celebration of the marriage; secondly, for the restitution and reinvestment of the dotal property by her acquired since marriage, whether by succession or donation, from the day the succession was opened or the donation perfected; thirdly, for nuptial presents; fourthly, for debts by her contracted with her husband; and, fifthly, for the amount of her paraphernal property, alienated by her and received by her husband, or otherwise disposed of for his individual interest: that, in making her intended renunciation, she would deprive herself, irrevocably and forever, of all rights of reclamation against the slaves herein described, whether under mortgage, privilege, or otherwise.

And the said wife did thereupon declare unto me, notary, that she was fully aware of and acquainted with the nature and extent of the matrimonial, dotal, paraphernal, and other rights and privileges thus secured to her by law on the property of her said husband, and that she nevertheless did persist in her intention of renouncing, and does formally renounce, not only all the rights, claims, and privileges heretofore enumerated and described, but all others, of any nature and kind whatever, to which she is or may be entitled by any laws now or heretofore in force in the State of Louisiana.

And the said James Andrew De Hart, being now present, aiding and authorizing the said wife in the execution of these presents, she, the said wife, did again declare that she did, and does hereby, make a formal renunciation and relinquishment of all her said matrimonial, dotal, parapernal, and other rights, claims, and privileges, in favor of the said purchaser, binding herself and her heirs at all times to sustain and acknowledge the validity of this renunciation.

Thus done and passed in my office, at New Orleans aforesaid, in the presence of Philippe B. Boisfontain and Frederick L. Hubbard, witnesses, both of this city, who hereunto sign their names with the parties and me, the said notary, the day and date aforesaid.

J. A. DE HART.
AMELIÉ DE HART.
VNE. ROLAND.

P. BARRON BOISFONTAIN.
F. LOUIS HUBBARD.

JAMES GRAHAM, *Notary Public*.

As the successor and legal custodian of the records of James Graham, late a notary in this city, I certify that the foregoing is a true copy of the original act on file among the records of said James Graham.

In faith whereof, I grant these presents, under my signature and seal of office, [L. S.] this 12th day of January, 1865.

ANDREW HERO, *Notary Public*.

STATE OF LOUISIANA, *City of New Orleans* :

Be it known, that on this seventeenth day of the month of April, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States of America the eighty-fourth, before me, Felix Grima, a notary public, duly commissioned and sworn, in and for this city and parish of Orleans, therein residing, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared Mr. Sosthene Allain, of the parish of West Baton Rouge, in this State, who declared that, for the consideration hereinafter expressed, he does, by these presents, grant, bargain, sell, assign, convey, transfer, and deliver, with full warranty as to the title, but without warranty on his part as regards the vices and maladies prescribed by law, unto W. Newton Mercer, esq., of the said city of New Orleans, here present, and accepting purchaser for himself, his heirs and assigns, and acknowledging delivery and possession thereof, the following slaves, to wit: A certain mulatto woman named Rose, aged about twenty-two years and a half, and her two children, to wit: Ernest, now aged about four years, and Marie, now aged about two years, slaves for life, and belonging to the said vendor by means of the purchase which he has made thereof from Mr. Valerien Allain, of this city, by an act executed before me, notary, on the first day of October, eighteen hundred and fifty-eight, to have and to hold the said slaves unto the said purchaser, his heirs and assigns forever, by virtue hereof. And the said vendor moreover transfers unto the said purchaser all the rights and actions of warranty to which he is or may be entitled, against all the former owners and proprietors of the slaves herein conveyed, subrogating the said purchaser to all the said rights and actions to be by him enjoyed and exercised in the same manner as they might have been by the said vendor himself. The present sale is made and accepted for and in consideration of the price and sum of fifteen hundred dollars cash; which sum the said purchaser has paid at the execution of these presents in ready current money unto the said vendor, who does hereby acknowledge the receipt thereof, and grants unto the said purchaser a full and entire acquittance and discharge therefor.

The said purchaser hereby dispenses with the production of a certificate from the recorder of mortgages in and for the parish of West Baton Rouge, where the

said vendor resides, to be annexed to the present act, as required by the 3328th article of the civil code of Louisiana.

And the said vendor here declared that the slaves herein conveyed are free from all mortgage and incumbrance whatever, of which declaration the purchaser acknowledges himself to be satisfied, hereby exonerating the undersigned notary from all responsibility which he might incur on account of the non-production of the said certificate.

And now to these presents personally came and appeared Madam Marguerite Delia Kennedy, the wife, of full age, of the said Sosthene Allain, who, after having taken cognizance of the foregoing act, which I, the said notary, carefully read and explained to her, declared and said that she approves and ratifies the same; and further, that it is her wish and intention to release, in favor of the said purchaser, the slaves herein conveyed from the matrimonial, dotal, paraphernal, and other rights, and from any claims, mortgages, or privileges to which she is or may be entitled, whether by virtue of her marriage with the said Sosthene Allain, or otherwise.

Whereupon I, the said notary, did inform the said Mrs. Allain, apart and out of the presence and hearing of her said husband, that she had, by law, a legal mortgage on the property of her said husband: First, for the restitution of her dowry, and for the reinvestment of the dotal property sold by her husband, and which she brought in marriage, reckoning from the celebration of the marriage; secondly, for the restitution and reinvestment of the dotal property by her acquired since marriage, whether by succession or donation, from the day the succession was opened, or the donation perfected; thirdly, for nuptial presents; fourthly, for debts by her contracted with her said husband; and, fifthly, for the amount of her paraphernal property alienated by her and received by her said husband, or otherwise disposed of for the individual interest of her said husband; that, in making her intended renunciation, she would deprive herself and her heirs, irrevocably and forever, of all right of reclamation against the slaves herein conveyed by her said husband, whether under mortgage, privilege, or otherwise.

And the said Mrs. Allain did thereupon declare unto me, notary, that she was fully aware of and acquainted with the nature and extent of the matrimonial, dotal, paraphernal, and other rights and privileges thus secured to her by law on the property of her said husband, and that she nevertheless did persist in her intention of renouncing, not only all the rights, claims and privileges hereinbefore enumerated and described, but all others, of any nature or kind whatever, to which she is or may be entitled by any laws now or heretofore in force in the State of Louisiana.

And the said Sosthene Allain being now present, aiding and authorizing the said Mrs. Allain in the execution of these presents, she, the said Mrs. Allain, did again declare that she did and does hereby make a formal renunciation and relinquishment of all her said matrimonial, dotal, paraphernal, and other rights, claims and privileges, in favor of the said purchaser, binding herself and her heirs at all times to sustain and acknowledge the validity of this renunciation.

Done and passed at New Orleans, in my office, the day, month and year aforesaid, in the presence of Charles F. Barry and Louis Dutour, both of this city, witnesses, who have signed with the appearers and me, notary, after reading the whole.

SOSTHENE ALLAIN.
M. D. ALLAIN.
W. NEWTON MERCER.

CHARLES F. BARRY.
LOUIS DUTOUR.

A true copy :

FELIX GRIMA,
Notary Public.

I hereby assign to James Andrew De Hart all my right, title, and interest in the within described, but without any warranty.

W. NEWTON MERCER.

It is agreed by and between the undersigned, William Newton Mercer and James Andrew De Hart, of the city of New Orleans :

By an act executed before Felix Grima, notary public, on the seventeenth day of the present month of April, the said W. N. Mercer has acquired in his own name, but for account of the said J. A. De Hart, as he does hereby acknowledge, by purchase from Mr. Allain, of the parish of West Baton Rouge, in this State, the three following named slaves : Rose, a mulatto woman, aged about twenty-two and a half years, and her two children—Ernest, aged about four years ; Marie, aged about two years—which sale was made for the price of fifteen hundred dollars cash ; five hundred dollars of which was paid by the said J. A. De Hart in part of said purchase price, and the balance, to wit, one thousand dollars, was paid by the said W. N. Mercer, in order to assist the said J. A. De Hart in acquiring the said slaves, as the said J. A. De Hart here declares.

Now, therefore, the said J. A. De Hart acknowledges himself to be justly indebted unto the said W. N. Mercer in the said sum of one thousand dollars, for which he has furnished to the said W. N. Mercer his two promissory notes, drawn to his own order, and indorsed by himself, dated the 17th day of April, instant, each for a like sum of five hundred dollars, and bearing interest at the rate of eight per cent. per annum from date until paid, and made payable in three and eight months after date.

And it is agreed by and between the said parties hereto, that if the said James Andrew De Hart shall and do, well and punctually, pay or cause to be paid unto the said W. N. Mercer the two notes of five hundred dollars above mentioned on the respective dates of the maturity thereof, with the interest as above stipulated, then the said W. N. Mercer shall, and he hereby binds himself to convey and deliver, but without any warranty on his part, unto the said J. A. De Hart, the slaves above described, who will remain in the possession of said J. A. De Hart at his own risk and peril.

In case of non-payment of the said two notes at maturity, as aforesaid, the said slaves shall be considered the property of said W. N. Mercer ; the said James A. De Hart hereby agreeing and consenting that in such case the said slaves be sold or disposed of for cash by the said W. N. Mercer, for the purpose of paying the two notes of five hundred dollars each, and all interest due thereon.

And it is further agreed between the said parties hereto, that whereas the said slaves have been sold by the said S. Allain without any warranty as regards the vices and maladies prescribed by law, in case the said slaves should be found hereafter to be subject to any such defects or maladies, the said De Hart, for whose account they are purchased, shall alone bear all responsibility in relation thereto.

In testimony whereof, we have hereunto set our hands this 17th day of April, 1860.

W. NEWTON MERCER.
J. A. DE HART.

Witnesses : F. GRIMA.
CHARLES F. BARRY.

The notes having been paid, my title is relinquished.

W. NEWTON MERCER.

STATE OF LOUISIANA, *City of New Orleans* :

I, Andrew Hero, the successor and legal custodian of the records of James Graham, late a notary in this city, do certify that the foregoing documents are true and correct copies of documents annexed to an act of sale of slaves passed by James A. De Hart to Mrs. C. Roland by an act passed before the said James Graham, late notary, on the 14th of August, 1862, on file among the records of the said James Graham.

In faith whereof, I grant these presents under my signature and seal of office, on this fourteenth day of April, A. D. eighteen hundred and sixty-five.

[SEAL.]

ANDREW HERO, *Notary Public*.

To Major General S. A. Hurlbut, commanding department of the Gulf :

The petition of Rose Elyra, who resides in New Orleans, respectfully represents : That she is of African descent, and was born a slave in the family of Octave Leblanc, in the parish of Pointe Coupee, in Louisiana, being now about twenty-five years of age, as she believes, and was brought to New Orleans some twelve years ago. That since she arrived in New Orleans she has become the mother of four children, viz : Joseph Ernest, born on the 14th day of January, 1857 ; Marie Georgiana, born the 27th of December, 1858 ; Marie Josephine, born the 7th of December, 1860 ; and Joseph George, born the 2d of September, 1862 ; that the father of all these children was George Elyra, a free man of color, born in this city, to whom she was married by Mr. Costi, a Catholic priest, at the Cathedral in this city, between the dates of the births of her second and third child, as above set forth, and the said husband died in this city on the 7th day of May last, 1864.

Now your petitioner further shows that about the time of her said marriage her former owner, Octave Leblanc, was compelled, by his being in debt, to part with her, and did sell her and two children to J. A. De Hart, a dentist, residing then at No. 17 Baronne street, in this city, where she continued to reside in said De Hart's family as a domestic servant until the latter part of December, 1862, and during her residence there her third and fourth children were born.

Your petitioner further shows that the said De Hart and his wife, Amelie Valcour De Hart, were enemies of the United States and rebels to the government ; that the said De Hart was captain of a rebel military company, and a few months after the occupation of the city of New Orleans by the national forces, viz : in the month of October, 1862, he left this city for Havana, Cuba, where he has ever since remained ; that after the departure of De Hart Mrs. A. V. De Hart spoke of following him to Havana, and frequently asked and urged your petitioner to go with her to that place, which petitioner constantly refused to do, not wishing to leave her husband, her mother, and her friends ; that on one evening after dark about the 18th of December, 1862, Mrs. De Hart caused a police officer to enter the house, who took off your petitioner, with her baby three or four months old, and lodged them in the parish prison of New Orleans, where they were kept in confinement about a month, or until the middle of January, 1863 ; that during this time the said Mrs. De Hart frequently visited her in the prison, bringing petitioner's three other children with her, urging her to go with her to Havana, and threatening to take off with her to Havana petitioner's three eldest children if petitioner refused to go ; but your petitioner always did so refuse, and begged and demanded that her children should be left in New Orleans with her ; and, finally, the said Mrs. De Hart did go off to Havana, taking with her petitioner's three eldest children, whom petitioner has never seen since, and who are now held unlawfully by the said De Hart and his wife as slaves in Havana.

Petitioner further shows that when the said children were thus illegally taken off from New Orleans the eldest, Joseph Ernest, was six years old, the second, Marie Georgiana, four years old, and the third, Mary Josephine, two years old; that your petitioner was utterly helpless and powerless to prevent this gross outrage and violation of her natural and civil rights by reason of her condition and her imprisonment, from which she was only released by an order left behind by the said Mrs. De Hart on her departure aforesaid.

Petitioner further shows that on the 2d of January of this year the said Mrs. De Hart returned to New Orleans, when petitioner immediately called upon and begged the restoration of her children, which Mrs. De Hart refused; and thereupon, acting under the advice of counsel, petitioner caused the said Mrs. De Hart to be arrested and brought before Recorder F. A. Wolfley, of this city, on a charge of having kidnapped the said children, but on the 28th of February the said recorder dismissed the case, deciding there was no law of Louisiana applicable to it.

Petitioner further shows that her arrest and imprisonment, above stated, was in violation of General Orders No. 88 from headquarters of the department of the Gulf, dated the 1st of November, 1862, to which your petitioner now appeals.

Petitioner further avers that by the fifteenth and sixteenth sections of the act of 31st January, 1829, of the State of Louisiana, (see acts, p. 48,) it is not only forbidden to bring into Louisiana, without the mother, any slave child under ten years of age, but it was also forbidden to any owner of slaves in Louisiana to sell any slave children under ten years of age, without the mother; the humane idea of the legislator having been to prevent the separation of children of tender years from their mother, and the spirit of the law discountenancing such separation by whatever means brought about.

Petitioner further shows that herself and her aforesaid three children are free and entitled to the rights of American citizens, and to the protection of the government of the United States, to which she now appeals, and avers that the said Mrs. A. V. De Hart is bound in law and equity and good morals to restore to her her three children whom she wrongfully took away.

Wherefore your petitioner prays, the premises considered, that you will be pleased to cause the said Mrs. Amelie De Hart to appear before you, and that she may be prevented from leaving this city, as she is soon about to do, and that she may be ordered to cause to be brought back from Havana your petitioner's three children, viz: Joseph Ernest, Mary Georgiana, and Mary Josephine, and that the said Mrs. A. V. De Hart be held in confinement until she shall have complied with this order; and your petitioner will ever pray, &c.

ROSE ^{her} × ELYRA,
_{mark}

Sometimes called Mrs. George Elyra.

H. TRAIN, DURANT & HORNER,
Of counsel for Petitioner.

NEW ORLEANS, *March 4, 1865.*

STATE OF LOUISIANA
vs.
MRS. DE HART. }

Resides Carondelet street, between Common and Canal streets, at Mrs. Lam-on's, a boarding-house.

State witnesses.—Mr. J. L. Reidel, Burgundy street, between Canal and Common streets; Mr. Suder, jr., St. Claude street, 229 Baronne street, between Canal and Common streets, a dentist; Jean Elyra, Dumain, between Rampart

and Burgundy; Mr. Chas. Levesque, Hospital, between Charles and Hospital; Mrs. George Elyra, corner Barrack and Burgundy, at Mrs. Pinard's; Mrs. Lagay, Old Basin, between Conté and Brenville streets; G. T. Conway, superintendent, Julia street, near Charles.

RECORDER'S OFFICE, *Second District.*

Personally appeared before me, F. A. Woolfley, recorder of the second district of the city of New Orleans, duly commissioned and sworn as a justice of the peace, Mrs. George Elyra, who, being duly sworn, doth depose and say that on or about the 15th of January, 1863, her three children, namely, Joseph Ernest, aged then about six years; Mary Georgiana, aged then about four years, and Mary Josephine, aged then about two years, were kidnapped, wilfully and feloniously, from affiant's custody, and without their or affiant's consent or authority of law, by one Mrs. De Hart, and brought by her in Havana, where said Mrs. De Hart has been residing since, and was therefore absent from the State from the 15th of January, 1863, up to the day before yesterday, when she came back to this city, where she is temporarily now, leaving said children in Havana, where they are now held as slaves by said Mrs. De Hart.

Wherefore deponent charges the accused with wilfully and feloniously kidnapping her said children, and prays that she be arrested and dealt with according to law.

MRS. GEORGE ^{her} + ELYRA.
mark

Sworn to and subscribed before me, this the 6th day of January, 1865.

F. A. WOOLFLEY,
Recorder, Second District.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, ———, 1865.

The petition of Rose Elyra shows that she resides in New Orleans; is of African descent; was born a slave in the family of Octave Leblanc, at Point Coupee, Louisiana; is now about twenty-five years of age; was brought to New Orleans about twelve years ago; has since become the mother of four children by George Elyra, a free man of color, to whom she was married in the Cathedral; was, with two of her children, sold to J. A. De Hart, a dentist at New Orleans, after which her third and fourth children were born; that De Hart and wife, Amelie Valcour De Hart, were rebel enemies of the United States, and after federal occupation De Hart went to Havana; that his wife frequently urged petitioner to go with her to Havana, but petitioner refused to go; that petitioner was lodged in parish prison, and that Mrs. De Hart did take petitioner's three eldest children to Havana, contrary to petitioner's expressed wish, and that the three children are now held as slaves at that place; that an action against Mrs. De Hart was commenced before recorder, and dismissed because of no statute being found applicable.

Petitioner alleges her arrest and confinement was in violation of General Order No. 88, of 1862.

Petitioner prays that Mrs. De Hart be compelled to restore to her, petitioner, her three children. For facts more fully set forth see petition.

Mrs. De Hart arrested and case sent to Major Lieber for examination by General Hurlbut.

On the 8th day of April, 1865, this matter came on for hearing before the provost court, Judge Lieber presiding.

Rose Elyra (colored) sworn, says :

I have four children; oldest is six years old; three of them are away; saw them last two years in January; was then living at defendant's; was put in jail; defendant came to jail; urged me to go to Havana. Witness said, I don't want to leave my mother; said she was too sick, and was not going. Defendant said she would come for her at five o'clock with a carriage. I told the boy to go; that I was not going to Havana, but I wanted my children. I came out of jail the same night she went away; went to Mrs. Blossom's; found defendant had taken the three children to Havana; have never seen them since; my mother saw them go.

Cross-examined :

I was out of jail before the boat went with my children; I knew they were on the boat, and my mother knew they were there; I did not go aboard to get the children; defendant told me she was going to take my children; I said to defendant I never would let the children go if I was out of jail; my mother went to the levee and spoke with a man, and he told her it was too late. My husband died in May, 1864; he knew the children were on board the vessel; he told me he did everything he could, but she acted mean with him; he said he went to the provost marshal, and he told him he gave her permission to take them away on condition of bringing them back in six months. Defendant came to the jail with a gentleman, Fallon, with a carriage for me; she had the children in the carriage; she sent the driver to call me; I was sick and she sent Fallon, and he wanted me to come, he said, and go to Havana with defendant and my three children; I said I would not go; Mrs. Roland and defendant were in the carriage; did not get out.

Madam Leocudie (colored) sworn :

Is mother of Rose; confirms testimony of Rose; Mrs. De Hart had charge of the children and baggage.

P. A. Snaer sworn :

Knows Mr. De Hart; saw him in Havana. Defendant proposed to me to take one of the children to Havana; I rejected the proposal, of course.

DEFENCE.

Gerard arrested a girl on Rampart street; does not appear to have been Rose. Letton swears that Rose was asked to go to Havana, but declined. She was arrested the 7th, and was not to be released until the 15th.

Mrs. Fallon :

The father was at the boat; made no objection to the children going; Rose's mother there also, and made no objection.

(Bill of sale of children and mother to Madam Roland put in evidence.)

Fallon swears that he went to jail with Mrs. De Hart and Madam Roland; asked Rose to go to Havana; said she was too unwell; asked her to go in next steamer if she was well; said she would.

(Provost marshal's pass put in evidence.) Is for M. E. Roland, son, servant, and four children.

C. J. Leoeque swears :

Saw the children on the Bio Bio. There was no concealment of the children; they were playing about the boat.

Cross-examined :

Am an intimate friend of De Hart's.

A. F. Hickman swears to kind treatment of children. Madam Roland and Mrs. De Hart lived together; De Hart's name on the door.

Dr. J. L. Riddel swears:

Knew defendant; had occasion to go to De Hart's often. Knew Madam Roland; heard them speak of her as an aunt; did not know precisely whether she was a boarder or a guest; she was certainly one or the other; don't know her means but by hearsay; never understood that she had any means or property; left my house owing me \$1,500; got nothing but promises; had my eye on Rose; did not know she had been sold until I seized her. Circumstances in the house remained the same as to the control of the girl by defendant. De Hart subsequently acknowledged that the slaves belonged to him after date of sale; that I saw in Graham's office.

Durant and Horner for prosecution; Buchanan and Gillmore, and Holland and Baer for defence.

Briefs of counsel recite portions of evidence and apply the law; each drawing conclusions favorable to the side that he represented.

REVIEW.

It appears that Rose Elyra and children were slaves owned by J. A. De Hart. That, on the 14th of August, 1862, an act of sale was made, transferring Rose and children to one Madam Roland, an aunt of De Hart's, residing in the family. There was no change of possession or control of the property, and the testimony is strongly indicative that this transfer was a fraudulent one, and the pretended sale a sham, and the interest of Rose Elyra is of such a character as to give her the equitable right of a creditor to attach the validity of this instrument, and for the purpose of this examination such transfer will be deemed invalid.

It is, in a measure, immaterial, however, who was the real owner, the matter to be determined being what the status of petitioner and children was; whether the act or acts complained of was done; and if done, by whom, and what liabilities were incurred or crime committed by so doing.

The testimony establishes the fact that, on or about the 15th day of January, 1863, the three children of Rose Elyra were taken on board the Bio Bio, bound for Havana, Cuba; that on the 16th the vessel sailed, taking said children to that place, where they have ever since remained; that this was done contrary to the expressed wish of Rose Elyra, the mother, there is little if any doubt. The attempt, on the part of the defence, to show the consent of the mother, is too feebly sustained to be received. Such consent, if proven beyond a doubt, could not properly be received, as the party was in duress, and in such condition that her hopes and fears would naturally influence her answers and actions; and whatever she may have said under such circumstances cannot be taken in proof against her. Mrs. De Hart, never divested of control over Rose and her children, continues the exercise of an active and apparent supervision over them. She visits Rose repeatedly while in jail, and as often persuades her to go to Havana, and Rose, equally often, refuses to go. It is Madam De Hart who proposes to Snaer to take one of the children to Havana. Madam De Hart accompanies the children to the vessel and sails with them to Havana, appearing an active party in the whole transaction, and with full knowledge of all the arrangements, and could in no event be deemed less than *particeps criminis*, and accessory before the fact. But the proof marks her distinctly as principal. The manner of the removal of said children does not appear to have been entirely secret; nor is it necessary that it should be in order to constitute a crime. The weight of testimony is, that it was against the will of the mother, the natural guardian of the children, and therefore a forcible taking, thereby separating the mother from children of less than ten years of age, contrary to the spirit if not to the letter of the statute of the State, and in furtherance of a practice too unnatural and cruel for toleration. I regard the status of mother and children

as being that of slaves at the date of the sailing of the Bio Bio, no seizure ever having been made in accordance with the provisions of the act of July 17, 1862.

Nor were the General Orders No. 44 or 88 violated by defendant, as such orders were made for the especial direction and guidance of other parties, to wit, the jailor and masters of vessels, and did not affect the passenger. The objection of counsel to jurisdiction will scarcely deserve a passing remark. It is sufficient to say that this proceeding is entirely the action of the commanding general, who in time of war is the highest local executive power existing. I am of the opinion that Mrs. De Hart is not guilty of kidnapping, within the meaning of the statute, but is guilty of improperly and unlawfully separating the children of less than ten years of age from the mother.

In consideration of the confinement already undergone by accused, she will be released and set at liberty. The return of the children of Rose Elyra to their mother, in accordance with the prayer of the petitioner in this case, is made a condition precedent to such release.

Order made accordingly.

In the matter of the United States vs. Mrs. De Hart, before the provost court, April 8 and 13, 1865, Judge Lieber presiding.

Rose Elyra (colored) sworn :

I have four children. The eldest is six years old. Their names are Joseph Ernest, six years old ; Maria Georgiana, four years old ; Marie Josephine, two years old ; and Joseph George, four or five months old. Three of them are away. I saw them last two years in January. Then I was living at defendant's, but was in jail at the time. She lived on Canal street, between Rampart and Basin ; previously she had lived on Baronne street, between Common and Canal. I had lived with her three or four years. I was put in prison about two weeks before Christmas. That was before they went away. Defendant had moved to Canal street with her aunt. She went out one evening and left me there. Mrs. Roland called to me to clean the house. I told her it was too late. She began to quarrel and says "Don't sauce me." I said I had been working all day and the little babies were crying. Defendant was not at home. She (Mrs. Roland) came and slapped me. She went out and came back with an officer, who said he had come to arrest me. She said, "Go ! I want that man to take you." The policeman told me to go with him. He took me to the parish jail, and I stayed there till the day they went away. The children were not put in jail but the little baby. The three elder children were left out. I left them with defendant. Defendant came to see me. She said the first day, "I come to bring your children to see you." She says, "Don't you feel like going to Havana ? I am fixing to go." She had never told me that before. I said, "I don't want to leave my mother." She said, "You make up your mind, and I will come and see you again." She came again and I said I did not want to go. When she came again with my mother and brought my little boy, and said "Try and get well ; I am going away in a few days," I said "I was too sick, and was not going." She sent a bundle of clothing, and told me to dress myself and be ready to go on the Bio Bio, and she would come up at five o'clock and get me in a carriage. I told the boy to go—that I was not going to Havana, but I wanted my children. I came out the same night she went away. I stayed in jail about three or four weeks. I came out and went to where she used to live—to Mrs. Blossman's—and found defendant had taken the children to Havana. I have never seen them since. My mother said she saw them go. The oldest child was six years old.

Cross-examined :

I was examined as a witness before the recorder ; it was this year. I got out of jail the day defendant went on the boat. The boat went off the next day. She came to my mother's looking for me. I was up stairs, and she asked my mother for Rose. I was out of jail before the boat went with my children. I knew they were on the boat, and my mother knew they were there. I did not go aboard to get the children. I was put in jail because I was saucy. I did not knock her in the face. She came to me with the coffee-pot, and it flew in her face. Nobody else was present. Her aunt is Madam Roland. Defendant kept the house. I can swear to that. The house is on Canal street. I was working for defendant. Never obeyed orders from Mrs. Roland. I told her she was not my mistress, and had no business to give me orders. Mr. Fallon came to the jail to get me out. I am sure I came out before the vessel sailed—the same night she went aboard. The boat sailed the next day. I was bought of Leblanc by De Hart. I did not belong to Allain. Allain sold me for Leblanc. Defendant told me she was going to take my children. I did not see her take them, but I know she took them. I never went on board, and never saw them there with defendant. I never told any gentleman that I was going to Havana by the next steamer ; did not tell Mr. Fallon so. Did not tell defendant that in the presence of the jail-keeper. Did not tell Fallon I would join defendant and my children in Havana as soon as I got well, and did not say so to anybody. I know the man in charge of the jail. Only my mother was present when I had the conversation with defendant. When she came I said I would never let the children go if I was out of jail. I asked my mother to go and speak with them. She went on the levee and spoke with a man, and he told her it was too late. My husband died in May, 1864. When I came out of jail he was in the city—staying with me at the house. He knew the children were on board the vessel. He went on board, he told me. He told me he did everything he could, but she acted mean with him. He said he went to the provost marshal, and he told him he gave her permission to take them away, on condition of bringing them back in six months. My mother was on board when the children were on board. They went on in the evening and went the next day. Defendant came to the jail with a gentleman—Fallon—with a carriage for me. She had the children in the carriage. She sent the driver to call me. I was sick, and she sent Fallon, and he wanted me to come, he said, and go to Havana with defendant and my three children. I said I would not go. Mrs. Roland and defendant were in the carriage. Defendant did not come out of the carriage.

Madam Leocudie (colored) sworn :

I am the mother of Rose. She had five children ; defendant took three ; the eldest was six years old, the next four years old, and the next two. Defendant took them two years ago and went to Havana. Rose was in jail ; she stayed there almost one month. I saw her in jail ; I went three times to see her—twice with defendant. Defendant told her to come down, but she was sick and could not. Defendant went to her and told her she was going to Havana, and she was to fix herself up to go. Rose said she did not know she could, as she was sick. She said she was going to take the three children. Rose did not like that. Defendant did not let her see the children when she was in jail. Defendant came with the children in a carriage, and would not allow Rose to see them. Did not hear defendant tell Rose anything about taking the children to Havana ; did not hear defendant ask Rose to go to Havana. Witness saw the children on board the vessel. Defendant was with them ; there were three children ; the eldest was crying, and defendant pushed to prevent it from seeing witness when she was going away. Witness has not seen them since,

and never heard any news or got any answer. Rose got out of prison the same evening that defendant left—the evening of the day defendant left. Witness took Rose out; finding Rose was not on board, and was sick, she spoke to defendant and took a cab and went and got Rose out of jail.

Cross-examined :

Witness saw Mrs. Roland on the vessel. Witness was on the ship when the children came. Defendant, Madam Fallon, and several other ladies, came with them. They were brought down to the ship in a carriage and taken on board by a little boy. Mrs. Roland asked for the mother of the child, and defendant stated that the mother was sick and could not come. Mrs. Roland said she would do better to turn the smallest child over to the grandmother, (witness.) Defendant said no; if all the children were not brought to Havana Mr. De Hart would not be satisfied. Witness did not make any attempt to get the children, but as soon as the children saw witness defendant shoved the children away and prevented them from getting near her. The children were in the ladies' cabin, and witness went in; was two or three paces from them. Witness spoke to the steward of the ship, and he said the children were already embarked, and if they had not been he could have turned them over to witness. Witness stayed till she found that Rose had not arrived, and went to the prison. Rose always stated she would not go to Havana. Witness never saw any pass, but Fallon and a lady told her defendant had left her address in Havana, and would like to have Rose come to Havana, for she was greatly embarrassed by the children. Witness went aboard about 3.30 or 4 p. m., and stayed about an hour after the children came. Mrs. De Hart had charge of the children and baggage. Witness did return to the vessel after leaving it. She took Rose out about 6 p. m.; never heard of any order. The keeper told her to walk in and she could have the prisoner. Witness testified before the recorder. Defendant told Rose, in the presence of witness, she would send her a doctor and some medicines. Defendant lived on Canal street, at her own house, and Madam Roland lived with her. Witness went there rather often; sometimes two or three times a week, and every second Sunday. The children were pretty well treated. Defendant asked witness to go to Havana, and she would pay her passage. Witness was a slave; belonged to Mrs. Gearean, who is now dead. Witness cannot read or write, but is sufficiently instructed to defend herself when attacked. Witness's mistress has been dead four or five years. She was left free by her mistress, and has been free since. She has lived with her mistress's sister, and taken care of her children, and had her own time.

P. A. Snaer sworn :

I knew Mr. De Hart in 1862; he left the city the last days of September, 1862, and went to Havana. I left here the 1st day of November, 1862, and remained till January 2, 1863. I saw De Hart in Havana; J. A. De Hart is his full name. I returned to New Orleans January 10, 1863. I know defendant. A few days before I left New Orleans defendant proposed to me to take one of the children to Havana at that time. Mr. De Hart had already gone to Havana. I rejected the proposal of course. I don't think I saw defendant after my arrival, and know nothing, personally, of the taking of the children. De Hart was a dentist here, before he left. He was a captain in the rebel service; Carondelet light infantry. The regiment went into camp. He told me it was mustered into the service a few days before I left. I was a member of the regiment.

Cross-examined :

I was in the company with De Hart. I was with him about six months at Camp Lewis; were in camp but three months; only went out to Camp Lewis, and the last day they went to Camp Shalmette. When the federals came in,

of course we disbanded. It was a militia organization, afterwards a volunteer company. I took the oath, I think, in September, 1862. I think every one of the company took the oath. I am a dentist. De Hart left here after I took the oath. I think he went on the Cardenas ; I saw him go ; he had a pass to go.

DEFENCE.

Andrew Miller sworn :

In December, 1862, and January, 1863, I was on the 2d district police. Don't know Rose. I recollect arresting a girl on Rampart street, in an alley-way, between Canal and Custom-house streets, at the request of a lady who came to the station. She did not give her name ; said her servant had beat her, and the sergeant told me to arrest her. I cannot recognize this woman Rose. I don't recollect when it was. One lady came to the station ; a tall lady, dressed in black, and wearing a pair of spectacles. It was an old lady ; not defendant. She said she had been struck by the servant. I brought her to the station and locked her up. Did not make a report. The lady made a report to the clerk, Ed. Clarring.

Cross-examined :

She was not locked up for safe-keeping. She was arrested for beating the lady, not for safe-keeping.

Rose Elyra recalled :

I don't know the man that arrested me ; it was dark. I don't know Guerard ; is not the man. I was arrested on Canal street.

J. A. Letton sworn :

In December, 1862, and January, 1863, I was clerk of the police jail. Rose's face is familiar, and I think she is the same one we had sick there. I recollect her now ; can vouch that she was there, but not for the length of time.

(Receipts for board of Rose at the police jail shown witness.)

Three of them are signed by me, and the fourth by the turnkey. That is his handwriting.

(Receipts put in evidence marked A, B, C, D.)

(Document marked E put in evidence.)

She was not released till the 15th. The order is dated the 7th. She was not called for till then. The indorsement is mine. Fallon came in and I went for Rose, and was told she was sick. The office is separated from the jail. He says, "Let us go in and see her, I want to talk with her." I went with him to the room. He says, "Are you the girl arrested by Mrs. Roland?" She says, "Yes." He said, "Your mistress is going to Havana, and I have a release if you are willing to go." She says, "I cannot go to night, I am sick." He says, "Will you go in the next steamer?" She says, "I will see about it, I am sick." He said she must make up her mind about it. Fallon came with defendant. She was in the office. They came in a carriage. Three or four children were in the carriage. I don't remember that she spoke to Rose. Don't know whether the girl asked to see the children or not. I heard her make no objection to the children going to Havana, nor any remonstrance. Did not hear her make any remarks when she left. She left the 15th, as shown by the indorsement.

Cross-examined :

Could not say what Rose was there for. We were receiving slaves arrested by police officers. We could not have received them in any other way.

Andrew Miller recalled :

(Document E shown witness.) This is what we generally got as a release. We were receiving slaves from November to the latter part of December or January, when an order came not to receive them without a special order; that was after the 1st of January. In December, the police generally brought them. We had no order then for prohibiting the receiving of slaves. We received slaves after November 1, 1862. I have seen General Order No. 88. Don't know when we first got it.

Mrs. Blossman sworn :

I know defendant and Rose, and have seen her mother. In January, 1863, I was living on Canal street, between Rampart and Basin. Mrs. Roland left in January or February. I cannot tell exactly. I got the house of her. She rented it of Thomas L. Clark, a lawyer. I saw Madam Roland's eye blacked, but did not see the occurrence. Rose came to see me to see if I had heard from her children. I said it was a pity she struck her mistress. She said she did it in a moment of passion. It was about a week or two before she (Madam Roland) left. Her eye was black. Madam Roland had been very kind to Rose. I told Madam Roland, if ever the children were to be sold, they would find it hard. She said they were never to be sold; they were to be free. They were treated like white children.

Cross-examined :

The place is 219 Canal street. Mrs. De Hart lived on Baronne street then. I took the house after the old lady left. I called on defendant about it, and she told me her aunt lived on Canal street, and I went there. I went there about a month before her departure. Rose was in the yard washing. I saw her. It was at the house on Canal street. That was the first time I went there. Rose called on me several times about six months after they left, to see if I had letters from the ladies, and to know if the children were well.

● Mrs. Stockton sworn :

I have known defendant for the last six years. I know Mrs. Roland. I visited at the house. I know Rose and her children. They were treated so well in the family that I was jealous. Mrs. Roland said they were to be free. It was a matter of remark that the children were spoiled. I have seen her hold the children in her lap and kiss them. I saw Madam Roland's eye blacked. It was about the time Rose was committed to prison. When Madam Roland lived on Canal street, defendant had a room at my house on Charles street. Then she went to Madam Roland's house. Before that the girl and her children were with Madam Roland.

Cross-examined :

Defendant went there a few weeks before she left for Havana. I did not see defendant off on the boat.

Mrs. Fallon sworn :

I know defendant, Mrs. Roland, and Rose and her mother. Rose lived in Mrs. Roland's house in the fall and winter of 1863, on Baronne street, and then she moved to Canal street. She lived on Canal street about May, and lived there till she went away. I was there often and saw Rose. I saw her husband there. He was there when they were packing, and they started from the house; was there when the children were taken from the house. He went with the trunks to the boat. The children went in a carriage with Mrs. Roland, defendant, and my husband. I went down to the steamer and saw the children there. The grandmother walked down; there was no place in the

carriage. The father was there; he went with the trunks. He made no complaint or objection to the children going; was perfectly satisfied. He brought the children's baggage and the ladies' things. He made no complaint about the children going aboard. He was perfectly satisfied to have the children go. Rose's mother was in the cabin with the children. I did not see the children cry when she left. She kissed them when she left and bid them good-bye. The boat did not go, and she was there the next day in the morning. Don't recollect when the boat left. The children were on board all night, till the vessel went. Were there the evening before, and all night till the boat left. The children were treated very well by Madam Roland, and the mother also. Never heard any complaint made by the parents or grandmother. The father is dead. The children were spoiled. The grandmother was satisfied to have the children go. She told me a few minutes before I came here that she heard her daughter say to my husband that she was perfectly satisfied to go and meet her children, when she got well, in Havana, by the next boat. The passage of the girl was paid. I went with her (defendant.) They did not charge for the children, they were so young, if they did not trouble the passengers. The servant was to go by the next boat, and the passage was paid in my presence.

Cross-examined:

Neither defendant nor Madam Roland had any children. She told the agents for the boat these were colored children—slaves.

(Document marked F put in evidence.)

(Objection of counsel for prosecution to evidence relating to the title of the slaves overruled.)

Andrew Hero sworn:

I am a notary public, the successor of James Graham. This act is registered in the office No. 5233, now in my possession. It was entered under Mr. Graham.

Cross-examined:

I have read it. I know nothing further about it. Don't know that the sum mentioned in the act was paid. I was not a notary then. A party coming into the office and saying the money is paid, I put it in the act as paid. I do it, and I believe it is usual with other notaries.

(The act, record of the sale of the slaves to Madam Roland, put in evidence.)

J. G. Fallon sworn:

I live in New Orleans; I lived here in 1863 and 1864. I know defendant and Madam Roland. I have seen Rose, don't know that I could recognize her. This is the woman [Rose] that was in the parish prison. I went to the parish prison on the 15th of January, 1863, I think, in a carriage with Madam Roland, defendant, and the children—the children of this woman, I am told. When I got there Madam Roland handed me the release of this woman. I went into the clerk's office and handed it to Letton, the clerk. He told me it was all correct, and asked me to go up stairs to the cell where this woman was. Letton and myself went into the cell. I asked her if her name was Rose; she said yes. I told her the ladies were down stairs with the children. Letton says, "Rose, get up; you are released." She said she was too sick and not able to get up. I then told her the ladies and children were going on the steamer Bio Bio to Havana. She repeated that she was too unwell to stand up, let alone to walk. I then asked her, in case she should be well by the next steamer of the same line, if she would go on. She answered yes; she would if she was well. That's all the conversation I had with her. I told her the children were down stairs and were going to Havana. She said she was too sick.

She made no objection to their going, but said she was too sick. I came down and gave her answer, and went to the steamer with Mrs. De Hart, Mrs. Roland, and the children. At the landing I saw a woman who said she was the mother of Rose; she was superintending the things of the children. She is here; I recognize her. The children were in the state-room of defendant and Mrs. Roland; they were not hid away; the room opened into the cabin. The grandmother superintended putting the children on board; I did not see her in the state-room; she was on board; she did not make any objection to the children going. Mrs. Roland had one of the children on her knee in the state-room, giving it a cracker or something. I understood Mrs. Roland was the mistress of them, she appearing to have control of them from what I saw. The passage was paid for the servants to the agents; I was not in the office at the time. I told Rose the passage was secured for her to go on the next steamer; did not tell her by whom. She did not ask to see the children when I was there; said she was too sick. I handed the order of release to Letton. Defendant lived on Canal street in January and December, between Rampart and Basin; Mrs. Roland and defendant were living together there; I was made to believe it was Mrs. Roland's house; I was there only once; only saw the children once.

Cross-examined:

Then I was shipping clerk for Warneken & Co. I was told the passage of Rose and children was paid; I did not see it paid. Had no intimacy with De Hart; my wife and the ladies were intimate, and as they were alone I went at their request to see them safely on board. When I came down from the cell I informed the ladies that Rose said she was too sick, and could not come down. I don't know who signed the pass; I handed it to the provost marshal's guard on the levee; it was for two ladies, servant, and a boy; it was a white orphan boy in defendant's charge. Don't know that the pass mentioned that the three children were slaves. Captain Nichols, whom I gave the pass to, said it was all correct. Captain Drew was master of the ship; don't know that he made oath that no colored persons were on board.

(Records of the provost marshal general's office, containing passes, of which the following are copies, put in evidence.)

Pass.

"No. 9900.]

"NEW ORLEANS, *January* 12, 1863.

"Granted to Mrs. E. Roland, son, servant, and four children. New Orleans to Havana, per steamer Bio Bio.

"V'N ROLAND."

Pass.

"No. 9902.]

"NEW ORLEANS, *January* 12, 1863.

"Granted to J. A. De Hart. New Orleans to Havana, per steamer Bio Bio.

"AMELIE DE HART."

George L. Leveque sworn:

I live in New Orleans. Have known defendant and Madam Roland over three years. Have seen Rose; I saw her on Hospital street, as she frequently came to my house to learn the news about her children that were taken away; it was some time last winter, 1864. I saw them on the Bio Bio about the middle of January, 1863; I went aboard to bid defendant good-bye, and Madam Roland; I saw the old colored woman aboard; I remained on board till dark; went aboard at 4 or 4½ o'clock. (Witness identifies the colored woman, Rose's mother.) There was no concealment of the children; they were playing about the boat; were apparently happy and contented; there were no

indications of their being grieved; the old woman was close by them, and spoke to them several times. She asked Madam Roland near the stairway for money to go and see her daughter Rose; she had no change, nor had defendant, and I gave her a dollar or six bits for a cab to go and see her daughter. I have lived in Havana. Slaves brought there are placed in jail, and the owner has to give bond, and when he leaves it is cancelled. They are not allowed to remain, as slaves; are allowed their liberty in prison. For instance: Charles Comack, of the Citizens' Bank, took a man servant to Havana on the steamer Cardenas, who was to attend to some small children. The owner had some influence with parties, and one of our agents, a very influential man, went to the captain general to have the servants released. It was handed in my presence to him, and they were released under the circumstances. I did not hear the grandmother say or do anything to protest against the children going off, or show any dissatisfaction.

Cross-examined :

I was an intimate friend of De Hart, and am still. He lived on Baronne street, between Canal and Common. Mrs. Roland lived in the same house when I knew her. Don't know how long he lived there. I went away, and returned about December 13, 1862. I found defendant living on Canal street, near Basin; Mrs. Roland was living in the same house; I knew she was defendant's aunt; I did not know her before she became a widow; don't know anything of her means; I thought she was almost the head of the family, and saw her working herself. I have been in New Orleans since Madam Roland was living at defendant's house; don't recollect the year; it might have been before the war. I found her on Canal street after my arrival, and went to the house. I think Mrs. Roland was the mistress of the house; she was doing work. I saw the three children there; don't remember whether I saw the mother or not. I went there several times. The children were treated very well. I think I saw defendant there twice; I think she lived in the house at the time. By what I saw I think Mrs. Roland was the keeper of the house. I was on the steamer the first evening; she was detained; I did not go back the next day. The children were on board, and everybody could see them.

(Communication from the Spanish consul, New Orleans, put in evidence, marked H; also record of the recorder's court, marked I.)

Mrs. Hickman sworn, (French :)

Witness lives in New Orleans, and knows defendant and Madam Roland; also Rose; has seen her at Madam Roland's, her mistress; don't know Rose's mother. Witness went on board the Bio Bio to bid good-bye to Madam Roland, who was going, and saw the children on board. Madam Roland was much disappointed when she saw Rose was not on board. The children were Rose's; they were in the cabin of the vessel; every one coming aboard could see them; they were with the ladies in the saloon. Witness went aboard about 10 a. m., and stayed until the ship left; that was the day the vessel left. Defendant was not on board when witness went on, and only came a few minutes before the vessel left. Don't know who had charge of the children; they seemed to be with Madam Roland. I don't know whether the children were satisfied or not; they were playing, and not crying. Did not see the old woman on board.

Cross-examined :

Has known Madam Roland five or six years; when witness first knew her she lived on Baronne street; defendant and Madam Roland lived together; don't know who owned the house; Mr. De Hart's name was on the door; don't know anything of his business; don't know anything of Madam Roland's means. Don't know where defendant went to when she left Baronne street,

but when witness returned from the country she went to see Madam Roland, on Canal street, and found defendant there; don't know whether she lived there or not.

A. F. Hickman sworn:

I have lived in New Orleans nine years. I know defendant and Madam Roland. Before defendant left I think she moved to Canal street, and Mrs. Roland lived on Baronne street, if I am not mistaken. I know Rose and her mother. I remember when defendant left for Havana. The children were aboard. It was on the Bio Bio, about January, 1863. They were in the ladies' cabin. I was there the first day, and when the boat left. The children were playing in the ladies' cabin all the time; were with defendant and Madam Roland. Don't remember of seeing the old lady. The children were amusing themselves; I saw them often at Madam Roland's; I think they were treated as well as own children; not treated as slaves are generally treated; were petted and treated kindly.

Cross-examined:

Were kindly treated, as all slaves are. I did not intend to say they were treated differently from other slaves. I was at Mr. De Hart's sometimes. He lived on Baronne street till he left for Havana. Madam Roland was living there. Mr. De Hart's name was on the door, not Madam Roland's. Was well acquainted with Madam Roland. Don't know her circumstances. Defendant left and went to Canal street, I think. I was there once or twice. Mrs. Roland was on Baronne street. I cannot tell which was living on Canal street; cannot think of it now. Don't know when I went to the house. I visited the house some time before they left, on Canal street; I think one of them was there, but don't recollect which was at the house on Canal street.

Dr. J. L. Riddel sworn for prosecution:

I know Mr. De Hart. He lived, when in New Orleans, at 17 Baronne street, his last residence; I think it was up to the fall of 1862; he might have left earlier. He was my tenant; I was owner of the house. I had occasion to go into the house a good many times. Madam Roland resided with them. I have heard defendant and Mr. De Hart speak of her as an aunt. I never knew precisely whether she was a boarder or a guest at the house; she certainly was one or the other. Don't know her pecuniary means, but by hearsay. I never understood that she had any means or property. I can give my impression about it, but did not bother myself about her general reputation. Madam De Hart continued to occupy the house after he left, I think, till near the end of October or November, 1862; I cannot state precisely. Defendant removed to a house on Canal street, north side, between Basin and Rampart. When they left my house about a year's rent was due me. I instituted a suit for it. The rent was \$1,500 or \$1,600, I think. I frequently called upon them to pay me, but only got promises, nothing else. When I went to the house, I saw Rose frequently; I had my eye upon her up to the time they left my house; I did not know she had been sold to Mrs. Roland till I had seized her myself. That was subsequent to De Hart going to Havana. I had seen nothing to show that De Hart had ceased to become her owner, or that she belonged to Mrs. Roland; circumstances in the house remained the same as to the apparent control of the girl by defendant. Negotiations were opened with De Hart, who alleged the slaves to have belonged to him subsequent to the date of the sale—the sale that I saw in Graham's office.

E. F. Stockmeyer sworn:

I am one of the firm of Warneken & Co.; were the agents of the Bio Bio in December, 1862, and January, 1863. This is a book of the house; (book pro-

duced;) passenger and freight book; contains the passengers that go on the steamer. The book was kept by one of my clerks. The names of defendant, son, and Mrs. Roland appear on the books, and \$120 appears to have been paid for the passage. That is the whole amount that was paid. I could not state whether defendant or Mrs. Roland paid anything else for any other person. Nothing on the book shows that anything else was paid for passage by that vessel. On this trip there are no persons described as colored, or of African descent. We only put down servants; they might be colored. This is another book of the house. (Book produced.) It is the first or memorandum-book; when persons engage passage. When a person comes and engages passage, we put it down here from their own dictation. They sometimes change or fail to go; and afterwards it is copied into the first book. The entry of Rose is crossed out, which indicates she did not go. I don't know whether there was any compliance with General Order No. 44 by defendant and Madam Roland in taking away these children. I don't know that Captain Drew took any oath in regard to these children.

The following is a fac simile of the entry in the book:—(See copy.)

Cross-examined :

I cannot say I saw the entries made. I know nothing but what the book says about the children. I cannot tell whether this book shows that passage was engaged for the children; it does not show on the book. According to the first book it was. The second book contains the whole amount paid in the office. That is all that I know that was paid. Other money for passage could have been paid without my knowing it. All my knowledge of it is derived from the books. Don't recollect whether I went aboard the Bio Bio; we took colored servants to Havana. I believe they did not tell me the servants were colored when they got passage, as a general thing. I have seen colored servants on board, and know they have gone from here. We only required the passage money—did not require a pass. This is the book by which we settle the ship's accounts. That money, as stated on the book, we received on that voyage, and no more.

Copy :

G. NORMAN LIEBER,
Major, Judge Advocate,
Judge Provost Court.

In the matter of Rose Elyra, in the provost court, department of the Gulf.

Most of the facts, indeed all of them essential in their nature, are left by the evidence free from any doubt.

1. Rose and her three children were held as slaves by J. A. De Hart, a dentist of New Orleans, under an act of sale from their former owner, at the time of the occupation of the city by the national forces.

2. At that time De Hart was a captain in the rebel service, commanding the company known as the Carondelet light infantry, in the Beauregard regiment, which had been mustered into the service of the so-called Confederate States, under General Mansfield Lovell. After the retreat of the rebel forces from Camp Chalmette, below the city, this company disbanded.

3. On the 14th of August, 1862, De Hart passed an act of sale of Rose and her three children to Madam Roland, who lived in the same house with him, was an aunt of his wife, and a person of no means to make such a purchase. The act of sale declares that four hundred dollars were paid in cash, but this is shown by no other proof, and it is proved that it is unusual to state such a payment in notarial acts when not even made in the presence of the notary, and

without any knowledge on his part of the truth of the statement. There is no proof that the credit portion of the price has ever been paid by Madam Roland.

4. In December, 1862, Rose was separated from her three children mentioned in the act of sale, and together with one born since, and at the time a sucking baby, was locked up for safe-keeping in the police jail, where she remained until the night of the 15th of January, 1863. During this period of confinement Rose was unwell, and on the last day so sick she could not get out of bed. Under these circumstances Mrs. De Hart and Madam Roland took the three children of Rose, all under ten years of age, and respectively six, four and two years old, on the steamship Bio Bio to Havana. The ship had been advertised to leave during the 15th, but was detained until the 16th.

5. In the mean time De Hart himself had gone to Havana. In October or November he was heavily in debt, and owed fifteen hundred dollars to his landlord for rent at the date of the alleged sale to Madam Roland, and is not shown to have renewed his allegiance to the lawful government.

6. In the fall of the same year, 1862, Mrs. De Hart had proposed to Snaer to take off one of the children to Havana, but was refused.

7. On the books of Messrs. Warnecken & Co., agents of the steamship Bio Bio, there is no entry of the three children as ultimate passengers, or as being paid for as such; and on their first book of entries the children are not mentioned either as slaves or colored; the same absence of designation occurs on the provost marshal's book.

8. While Rose was in jail Mrs. De Hart repeatedly visited her and urged her to go to Havana, which she refused, and prayed to have her children left behind.

9. No proof is made by the defence of compliance with General Order No. 44, headquarters department of the Gulf, June 21, 1862, or with General Order No. 88, headquarters department of the Gulf, November 1, 1862.

These being the substantial facts, we proceed to inquire what was the legal status of Rose and her three children.

The answer is, they were from and after the 17th July, 1862, free, or, what amounts to the same thing, every military officer of the United States is bound to consider and treat them as free from that date. The 5th section of the act of 17th July, 1862, makes it "the duty of the President of the United States to cause the seizure of all the estate and property, money, stocks, credits and effects of the persons named in this section," and among them are "any person hereafter acting as an officer of the army or navy of the rebels in arms against the United States."

It is proved that De Hart was an officer of the rebel army when the national forces arrived here, and as there is no proof that he ever resigned, it was the duty of the President to take possession of his property, and also of the President's subordinate officers here to do the same; but De Hart could not defeat the performance of this duty by any transfer, and all such transfers would be necessarily null and void. As is stated with regard to the transfers made by other persons after due warning in the 6th section of the same act, slaves could only be taken possession of by the President and the subordinate officers to become free. Therefore Rose and her three children, by the rebellion of their owner, became free.

And in addition to this, by the 10th section of the same act "no person engaged in the military or naval service of the United States shall, under any pretence whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person," &c., &c. Hence, no defence that can be set up here involving or resting upon the pretended slavery of Rose and her children, can be entertained or passed upon.

Under this view you must look upon the case as that of three free children taken off from a free mother, and carried to a foreign country. This was a crime

under the 22d section of the act of the State of Louisiana, of 14th March, 1855, p. 132, making it a felony to forcibly seize and carry out of the State any free person without authority of law.

The case would not be improved for the defence should you choose to look upon Rose and her three children as slaves. All the children were under ten years of age at the time they were separated from their mother. The public policy of Louisiana was averse to the separation of children of that age from the mother. The 15th section of the act of January 31, 1829, p. 48, forbade the introduction of any slave child under ten years of age into the State without the mother; and the 15th section of the same act forbids a sale of the mother separately from the child under ten years old, under penalty of fine and imprisonment; the case of Rose and her children is embraced in the spirit of this law. An attempt has been made by the defence to show that Rose consented to the deportation of her children, but the attempt is futile; that she did not consent, but protested with the vehemence of a mother against the outrage, is proved by her own oath and that of her mother, far outweighing the contradiction of the female witnesses on the other side, who, trained in the fashionable female accomplishments of treason, see but dimly the cause of justice when presented under a dark skin.

But an admitted consent on the part of Rose, under the circumstances she was in, would not avail. A contract, whether one separating her from her children, or any other, she could not make.

The Louisiana code, article 174, says: "The slave is incapable of making any kind of contract except those which relate to his own emancipation."

And such a contract, whether the mother were slave or free, would be against public policy, and in contravention of the prohibitory law of 1829; while "individuals cannot by their conventions derogate from the force of laws made for the preservation of public order or good morals," (Louisiana code, article 11,) and "whatever is done in contravention of a prohibitory law is void, although the nullity be not formally directed." (Louisiana code, article 12.)

Such a consent, moreover, is a mere delusion, and if it were on a subject not prohibited by law and good morals, would be utterly without binding force. Rose was treated as a slave, was sick and in prison. She was in no condition, mental or physical, to give a valid consent. "Consent to a contract is void if it be produced by violence or threats. (Louisiana code, article 1844.) Can there be any doubt that if Rose had been sent out of prison with the children, and told she was free to keep them with her or send them from her, she would have declared to keep them?

For the semblance of consent which the friends of her former mistress try to impute to her, what cause was there but her imprisonment; and in such a case the slightest violence is sufficient to invalidate. (Louisiana code, article 1853.)

An attempt has been made to divert the criminal act from Mrs. De Hart to her aunt, Madam Roland, by showing, not that there was a sale, but that the form of a sale was gone through with, of Rose and her children, by an act before a notary, on the 14th August, 1862, from J. A. De Hart to Madam Roland. Admitting this sale, *argumenti gratia*, was not null under the acts of Congress, as we have attempted to show, even if serious; yet this one was evidently a simulation. The testimony shows that Mrs. Roland had no pecuniary means to make such a purchase; the notes given in pretended part price have never been paid; no proof has been furnished that the cash part of the price was really paid; Madam Roland and the De Harts lived in the same house, and after the pretended sale there was no change in the *indicia* of ownership; and after the sale De Hart spoke of the slaves to Riddel as his own, and acted as owner; the sale was passed at a time when De Hart was heavily in debt, and no doubt was a concocted scheme for the double purpose of defrauding his creditors and of ultimately spiriting away Rose and her children into slavery in a foreign land. The combination of De Hart and his wife and Mrs. Roland to effect the object be-

comes manifest when you look at the facts and circumstances. The condition of De Hart as a rebel officer; the sham sale to a woman of no means; the flight of De Hart to Cuba; the proposal of Mrs. De Hart to Snaer to carry off one of the children to that island; the desperate condition of De Hart's pecuniary affairs; the imprisonment of Rose, and the final consummation of the robbery of the children by the wife of De Hart, and her aunt—all show a conspiracy of the parties to carry out their wicked design.

One of the culprits is now before the presence of justice, no doubt the most guilty one of the three, and should be held to make reparation.

DURANT & HORNER, *of counsel*.

NEW ORLEANS, *April* 14, 1865.

In the matter of Mrs. A. V. De Hart, in the provost court of the department of the Gulf.

The undersigned, counsel of Mrs. De Hart, submit the following observations upon the law of this case :

1. Mrs. De Hart has been arrested by the provost marshal general, and has been now imprisoned for more than a month, upon a charge (as declared in the report of the provost marshal general, of March 7, 1865) of "kidnapping three negro children." Upon this charge Mrs. De Hart has been tried before the provost court of the department of the Gulf, as far as hearing the evidence on both sides; which evidence is now referred to the commanding general of the department for his decision. This charge of kidnapping is based, as it appears from the written argument of Durant & Horner, page 5, upon a certain act of the legislature of the State of Louisiana, entitled "An act relative to crimes and offences," approved March 14, 1865, sec. 22, page 132 of the session acts. Now the prisoner contends, by her counsel, that offences against the criminal laws of Louisiana committed in New Orleans are to be tried in the first district court of New Orleans, before a jury of the vicinage, upon an indictment found by a grand jury, according to the course of proceeding in criminal cases at common law.—See constitution of Louisiana, article 105, Revised Statutes, under criminal proceedings, and page 287. The right to a trial by jury is also secured to Mrs. De Hart in a trial upon this charge by the Constitution of the United States, articles 5 and 6 of the amendments to said constitution.

2. Mrs. De Hart was, indeed, prosecuted before the civil authorities of Louisiana upon this charge in the first place, a complaint having been lodged in the office of the recorder of the second district of New Orleans, upon the oath of the petitioner Rose, upon which a warrant was issued, and a full investigation was had, which resulted in the discharge of Mrs. De Hart by the recorder, on the ground, as stated in the written decision of that officer, that the statute in question did not apply to this case. We do not deny that this decision of the recorder did not preclude the complainant from having the case brought before the district court by the district attorney of the State or the attorney general. But we formally deny that any military commander or military tribunal is competent to try offences against the State laws by a citizen when there is a regularly organized and constitutional tribunal in session for the trial of such offences.

3. The statute of Louisiana upon which this charge of kidnapping is founded, in its terms applies only to free persons kidnapped or abducted. Now, the prosecutrix declares, in her petition to the commanding general of the department, that she was born a slave; that she was held as a slave at the time the acts complained of were committed; that her children were held as slaves; and the civil code of Louisiana, article 183, declares that the offspring follows the condition of the mother as to freedom or slavery. The issue of slavery or freedom,

therefore, necessarily arises in this case. A title to Rose and her children, as slaves, in Mrs. Roland, and in Mrs. Roland's order, is given in evidence by Mrs. De Hart; and the counsel for the prosecution do not deny that they were slaves, but say that they were the slaves of De Hart, the husband of the prisoner, at the time of the alleged kidnapping; that the conveyance to Mrs. Roland was a sham, intended to defraud De Hart's creditors. Now, the singular anomaly and contradiction are presented in the argument of Durant and Horner for the prosecution, that while they call upon the commanding general to decide that those slaves have acquired a title to be considered free, they in the same breath invoke the 10th section of the act of Congress of July 17, 1862, as prohibiting the general from assuming, under any pretence whatever, to decide upon the validity of the claim of any person to the service or labor of any other person; in other words, the learned counsel deny the general's power to decide the very issue upon which this prosecution turns. It is very true the counsel conclude, most illogically, that the general is bound to declare Rose and her children free. If this conclusion has any meaning, it seems to be that the general can decide the question of Rose and her children's freedom against the prisoner, but is without power to decide it in her favor. Can there be a greater instance of the absurdities into which an advocate may be hurried by his zeal for his client? For, remark, we are not even contending with the official prosecutor, the judge advocate, but with the retained and particular counsel of the principal witness against us. Instead of this most absurd conclusion, which would give us a judge who can only decide in our way, let us rather carry out the argument derived from the 10th section of the act of Congress, to its natural and necessary conclusion, thus: The military officer of the government who is trying this case is forbidden to decide upon the validity of a claim on the part of Mrs. Roland or Mr. and Mrs. De Hart to the service or labor of Rose and her children. But the title and right of those persons to the service and labor of Rose and her children is necessary to be decided in the application of the statute to the case before the court. Ergo, the tribunal is incompetent to decide the cause, and the prosecution must be dismissed.

4. The counsel for the prosecution relies upon the 5th and 6th sections of the confiscation act of July 17, 1862, but we do not perceive their applicability to this case. By the 5th section it is made the duty of the President to cause the seizure of the property of a person hereafter acting as an officer of the army or navy of rebels in arms against the government of the United States.

Clearly this section can only apply to persons who were in arms against the United States after the 17th July, 1862. The review which my colleague has made of the evidence sufficiently demonstrates that Mr. De Hart (supposing him to have been the owner of Rose on the 16th January, 1863) was not in arms or acting as an officer of the rebel army or navy after the 17th July, 1862.

The 6th section declares that all persons engaged in armed rebellion against the United States, after the passage of this act, shall return to their allegiance within sixty days after public warning and proclamation by the President, under penalty of seizure of their property, and all sales or transfers of any such property after the expiration of said sixty days from the date of such proclamation shall be null and void.

Let us examine that section, in connexion with this prosecution, by the light of the evidence.

In the first place, De Hart was not engaged in armed rebellion after the 17th July, 1862; he had laid down his arms; his company, which had never gone into the field, was disbanded upon the arrival of the federal navy in New Orleans, (25th April, 1862,) and he, with all his company, took the oath of allegiance to the United States, as proved by Snaer, a witness for the prosecution.

Secondly, the President's proclamation was published on the 25th July, 1862, and the sixty days' delay provided by the 6th section of the act of Congress,

after said proclamation, expired on the 23d September, 1862. Now, De Hart's sale to the widow Roland was made on the 14th August, 1862, consequently before the expiration of the delay provided in the act of Congress.

Thirdly, there is no such thing specified in the 5th or 6th sections of the act of Congress in question as a forfeiture, *ipso facto*, of the property of persons who are within the scope and purview of said sections, no matter how clearly. The language is: It is the duty of the President to cause to be seized—the property shall be liable to seizure; now, there is not a tittle of proof that any of De Hart's property was ever seized by the government; much less Mrs. Roland's property, whose loyalty has never been called in question.

5. The counsel for the prosecution charge us with an infraction of the 15th section of the State law of 31st January, 1829, which forbade the introduction into the State of any slave child under ten years of age without its mother; and also of the 16th section of the same act, which forbids the sale of a slave child under that age separately from its mother, under penalty of fine and imprisonment.

The first answer we have to make to this part of the argument of counsel is, as before, that this is not a competent tribunal for the trial of a citizen for an offence against the criminal laws of the State, punishable with fine and imprisonment.

And secondly, there is no proof in the record that the slave children in question were introduced into this State without their mother, but the contrary; the allegations of the petition filed against us being that said children were born in the State. And, also, there is neither allegation nor proof that said children have been sold by the accused, or by any one else, separately from their mother.

6. To conclude, upon the charge of kidnapping. The children of Rose were not free persons. They were on the 16th of January, 1863, under the control of a mistress, (or master, it matters not which,) and “entirely subject to his will.” (Louisiana code, article 173.) Slavery was only abolished on the 23d July, 1864, more than a year after the sailing of the *Bio Bio*, by the adoption of the new State constitution. Moreover, the said children were not forcibly seized or taken or carried away from the State. Lastly, their carrying away was not without authority of law, but with the knowledge and sanction of the military authorities, and under a pass from the provost marshal.

7. Mrs. De Hart is accused of violating General Order No. 44. That was an order prohibiting any ship or vessel from taking away from this port any colored person, under certain restrictions—an order directed to owners, agents and masters of vessels, not to passengers. So far as Mrs. De Hart was concerned, she was abundantly protected by the pass given by the provost marshal to Mrs. Roland.

8. Mrs. De Hart is accused, lastly, of violating General Orders No. 88. This, likewise, is an order which did not concern her. It prohibited jailors from receiving and detaining slaves, unless their owners are loyal persons. If any person has violated this military order in the present instance, it is not Mrs. De Hart, but the jailor who received Rose when committed for safe-keeping, after beating her mistress, as proved by several witnesses. It does not seem necessary that we should undertake the defence of that jailor. If, however, Mrs. De Hart is to be held responsible for any dereliction of duty on his part, we will observe that there is nothing in the evidence impugning, in the slightest degree, the loyalty of Mrs. Roland, and, further, that the jailor was not bound to investigate the title of Mrs. Roland to the slave girl Rose before looking up the latter when brought to him by the police officer.

All which is respectfully submitted.

BUCHANAN & GILMAN,
Of Counsel for Mrs. De Hart.

In the matter of Rose Elyra vs. Mrs. J. A. De Hart, in the provost court, department of the Gulf.

The learned counsel for the prosecution, in his brief, says: "Most of the facts, indeed all of them (!) essential in their nature, are left by the evidence free from doubt."

Now let us, as briefly as possible, review the evidence, and ascertain calmly and dispassionately the true state of facts as shown by the record.

The first witness, the complainant, testifies that she is the mother of the three children in question; that she and they were the property of De Hart; that Madam Roland caused her arrest by an officer, and she was placed in the police jail about two weeks before Christmas, 1862. This occurred after an altercation between Madam Roland and herself. She remained in jail about two weeks. The three children were left at the house where she lived; another child, an infant, she had with her in jail. That Mrs. De Hart came to see her, while in jail, on several occasions, and on one occasion said, "Don't you feel like going to Havana? I am fixing to go." To which she, Rose, replied, "I don't want to leave my mother." (She did not say I don't want to leave my children.) Mrs. De Hart then said, "You make up your mind, and I will come and see you again." She came again. "I said I did not want to go." Then she came again with my mother, and brought my little boy, and said, "Try to get well; I am going away in a few days." I (Rose) said, "I was too sick, and was not going." That afterwards she sent a boy with a bundle of clothes to her, (Rose,) and he told her to dress herself and be ready to go on the Bio Bio, and Mrs. De Hart would come at five o'clock and get her, in a carriage; to which the witness says, "I told the boy to go; I was not going to Havana, but I wanted my children." The witness came out of the jail the same night.

Cross-examined:

Rose says, "I got out of jail the day she (Mrs. De Hart) went on board. The boat left the next day. That she was out of jail the day before the boat went with her children, and she knew they were on board, and her mother knew it; 'I did not go on board to get the children.' (Why?) Her husband also knew the children were on board. Her mother went on board when the children went on board. They went in the evening, and the boat went off the next day. 'Madam De Hart came to the jail with a gentleman, in a carriage, for me—Mr. Fallon. She had the children in the carriage. She sent her driver to call me; I was sick, and she sent Mr. Fallon, and he wanted me to come,' he said, 'to go to Havana with (Madam de Hart) defendant and my three children;' I said I would not go." Again, she says, "I never told any gentleman that I was going to Havana by the next steamer. Did not tell Mr. Fallon so; did not tell defendant that in presence of the jail-keeper. Did not tell Fallon I would join defendant and my children in Havana as soon as I got well. Did not say so to anybody." This is about the substance of Rose's evidence, and we will now ascertain what truth there is in it.

Mr. Fallon, a gentleman of unimpeached character, was examined by the defence, and he testifies that he went to the jail on the 15th of January, 1863, in a carriage, with Madam Roland, Mrs. De Hart, and the children, (the children of Rose;) when he got there Madam Roland handed him the release for the woman. He then went into the clerk's office of the jail and handed the release to Letten, the clerk, and he and Letten went up to the cell where she was, and he, Fallon, asked her if her name was Rose; she answered, it was; he then told her the ladies were down stairs with the children, and R. Letten then said, "Rose, get up; you are released." She said she was too sick, and not able to get up. Witness then told her the ladies and children were going on the steamer Bio Bio to Havana. She repeated that she was "too unwell to stand up, let alone walk." Witness then asked her, in case she would be well by

the next steamer of the same line, if she would go on. She answered, "Yes, she would, if she was well." Witness told her the children were down stairs, and were going to Havana. She made no objection to their going, but said she was too sick. He told her the passage was secured for her to go in the next steamer. She did not ask to see her children.

The next witness, J. A. Letton, testifies that Rose was confined in the police jail, of which he was clerk. That Fallon came there in a carriage with defendant and three or four children. He came to the office, and witness went for Rose, and was told she was sick; then went up to the room where she was, with Fallon, who asked her if she was the girl arrested by Mrs. Roland? She said, "Yes." He then said, your mistress is going to Havana, and I have a release for you, are you willing to go? She said, "I cannot go to-night; I am sick." He asked her, will you go in the next steamer? She said, "I will see about it; I am sick." Witness did not hear her make any objections to the children going away to Havana, nor any remonstrance against it. Did not hear her make any remark when she left the jail. She left on the 15th of January. This evidence is uncontradicted, and completely destroys the evidence of Rose, and shows, conclusively, that she had consented to go to Havana as soon as she got well, and was satisfied that her children should go with Madam Roland to Havana.

The next witness introduced by the prosecution is Marie Leocade, mother of Rose. She testifies that Rose was in jail; that she went there three times to see her—twice with defendant; that defendant told her to come down; she was sick, and defendant went to her and said she was going to send her a pass; that she was going to Havana, and that she (Rose) was to fix herself to go; Rose said she did not know she could, as she was sick; defendant said she was going to take her three children; Rose did not like that; witness then says she "did not hear defendant tell Rose anything about taking the children to Havana;" that she "did not hear defendant ask Rose to go to Havana." (The witness here directly contradicts herself.) Witness saw the children on board of the vessel; defendant was with them.

Cross-examined:

Saw Mrs. Roland on board of the vessel; witness was on the ship when the children came; defendant, Mrs. Fallon, and several other ladies came with them; they were brought down to the ship in a carriage, and taken on board by a little boy; witness made no attempt to get the children; they were in the ladies' cabin, and she went in; witness finding Rose was not on board, "had not arrived," went to the prison and took Rose out at about 6 o'clock p. m. This is about the substance of her evidence, and we will revert to the same hereafter.

The next witness is one P. A. Snaer. Knows De Hart; was in the same company in New Orleans. He (De Hart) was captain; went to Camp Lewis, near Carrollton, and camped there some time, and afterwards went to Chalmette. On the arrival of the Union fleet they disbanded, and witness took the oath of allegiance, and thinks every one of the company did so. De Hart left here for Havana, on the Cardenas. Witness saw him when he went. He (De Hart) had a pass to go. (This shows De Hart had taken the oath of allegiance, otherwise, he could not have got a pass to go to Havana, or anywhere else.) This witness went to Havana in November, 1862, and returned here on January 10, 1863. A few days before he left, defendant "proposed to me to take one of the children to Havana." "I rejected the proposal, of course." (Why, he does not state.) With this evidence the prosecution closed.

The witnesses introduced by the defence are all well-known and respected citizens of this city, of unimpeachable character, and, notwithstanding the ungracious and discourteous assertion of the plaintiff's counsel in his brief, are true and

loyal, though unfortunately differing with the counsel in his exalted ideas and eutopian theories relative to the race to which his client belongs.

By the policeman and keeper of the police jail we have established that Rose was committed to the police jail in December, 1862, having been arrested by the policeman "for beating the lady." This lady, there is no doubt, was Mrs. Roland. (See evidence of Mrs. Blossman and others.) She was released on the evening of the 15th of January, 1863, upon the order of release from Major Demming, (which is of record,) which Mrs. Roland handed to Fallon, who gave it to Letton, the clerk of the jail, as stated in their evidence.

Mrs. Blossman testifies that she took or rented the house on Canal street, between Rampart and Basin streets, which Madam Roland rented from Thomas Allen Clarke, (see receipt on file from Madam Roland.) This was about a month before Madam Roland left, and witness took the house after she left. About a month before Madam Roland left, witness called at her house in Canal street, between Rampart and Basin streets, and found Madam Roland with a "black eye." After Rose got out of jail she came to see witness, and witness told her it was a pity she struck her mistress. Rose said she did it in a moment of passion. (This admission corroborates the statement made by the watchman, or policeman, that the girl was arrested for beating a lady, and that Rose is the one he arrested.) Mrs. Stockton in her evidence also corroborates this.

Mrs. Fallon, the next witness, testifies: Madam Roland lived on Canal street till she left; that she saw Rose there; that Rose's husband, when Madam Roland and accused were going away, was at Madam Roland's, packing up their affairs; that he was at the house when the children were taken from the house in a carriage; that he went to the steamer with the trunks and baggage of the ladies, and those of the children; that both the husband and mother were on board of the steamer while the children were there, and saw them brought on board, and they made no objections to the children's going away, and appeared perfectly satisfied; that the grandmother kissed the children before she left the vessel; that the boat did not leave till the next day about twelve o'clock; that the children remained on board during all the time.

All the other witnesses, viz., C. J. Leveque, Mr. and Mrs. Hickman, and Mr. Fallon, prove conclusively that the grandmother of the children, and their father, were on the steamer; that the children were not concealed, but, on the contrary, they were playing about the cabin, and were visible to any one coming on board; that both the father and the grandmother appeared perfectly satisfied, and made no objections to, nor any remonstrance against, the children being taken to Havana by Madam Roland. We would respectfully call the attention of the general to this evidence as shown by the record.

The next evidence introduced by us is—

1. The pass No. 9900, from the provost marshal general, department of the Gulf, to Madam Roland, son, servant, and four children, from New Orleans to Havana, and pass No. 9902, to Madam De Hart, from New Orleans to Havana.

2. The release signed by Colonel Demming, military mayor of New Orleans, ordering the keeper of the police jail to release the slave Rose (Eliza) belonging to Madam Roland, which release is referred to in the evidence of Mr. Fallon and Mr. Letton.

3. The act of sale of Rose and children from J. A. De Hart to Mrs. Roland, with the documents annexed.

4. The record from the recorder's court, 2d district, showing that the accused was arrested on the complaint of the plaintiff, and that after due examination of the evidence the recorder dismissed the same.

5. The statement of the Spanish consul relative to the regulations in Havana concerning colored persons (slaves) brought there from foreign countries.

With the foregoing evidence we closed our defence, being satisfied that the innocence of the accused was fully established.

The counsel for the plaintiff thereupon introduced, first, Doctor J. L. Riddell to contradict or disparage the sale from De Hart to Madam Roland, but totally failed in his object.

Also E. T. Stockmeyer, of the firm of Warneken & Co., agents of the Bio Bio. This witness was examined in relation to certain entries made in the books of the firm, (which books and entries are in evidence,) showing that Madam Roland and defendant were passengers in the Bio Bio, and that \$120 was paid for their passage. Also an entry in the book wherein the names of persons engaging passage were entered, as follows, viz: [See copy.]

The above is a fac simile of this entry, and establishes the fact that the passage of Rose and her four children had been engaged, but afterwards her name was scratched out; and also the figure 4 was changed to 3, as the youngest child remained with Rose.

This closed the evidence on both sides; and we respectfully contend that the plaintiff has totally failed to establish any of the allegations set forth in her petition, or any points assumed by her counsel. That, on the other hand, we have established beyond contradiction—

1. That the complainant and her children were the property of Mrs. Roland.
2. That the complainant was arrested at the instance of Mrs. Roland, and placed in jail, for having beat her.
3. That the provost marshal of this department issued a pass to Mrs. Roland for herself, Rose, and her children, from New Orleans to Havana, per the steamer Bio Bio.
4. That Madam Roland obtained a release for Rose from Major Demming, and upon that release she was discharged from jail on January 15, 1863, before the steamer left.
5. That Rose, when she came out of jail, knew her children were on board the steamer then at the wharf, yet she made no efforts to take any measures to claim them or prevent their going away, although she had ample time to do so.
6. That Rose consented positively to the children's going, and agreed to join them as soon as she got well.
7. That both Rose's husband and her mother were on board of the steamer with the children, and made no objections or remonstrance against their going; and that had they, or either of them, desired to prevent the children being taken away they had ample time, between the time the children were brought on board and that of the departure of the steamer, to take proper steps to prevent their going and obtain possession of the children.
8. That the children were under the control of Madam Roland on board of the steamer, and were brought there by her in open daylight, and were in and about the cabin in full view.
9. That Madam De Hart was merely a passenger on the same steamer, and did not interfere with or exercise any control over the children, and is innocent of the charges made against her by the plaintiff.

With these observations, together with those made by our colleagues, upon the law of this case, we submit this cause to your decision, being satisfied that you will maturely consider the same, and that you will dismiss the complaint of the plaintiff, and order that the accused be restored to her liberty.

All of which is respectfully submitted.

HOLLAND & BAER,
Associate Counsel for Mrs. De Hart.

In the matter of the United States, upon violation of Rose Elyra (colored,) vs. Mrs. A. V. De Hart, in the provost court.

DEPARTMENT OF THE GULF, OFFICE JUDGE ADVOCATE,
New Orleans, March 16, 1865.

I have the honor to request, on behalf of the government, in the case of Rose Elyra vs. Mrs. De Hart, the following particulars, which may be obtained through the office of the provost marshal general with more accuracy and despatch.

1. The order by which Rose Elyra was committed to the police jail in December, 1862.
2. The order by which she was discharged from jail.
3. The name of police officer who conducted her to prison, and, if possible, his present place of residence.
4. Whatever other entries may be on the books of the police jail at that time relative to Rose Elyra.
5. A transcript of records in the books of the provost marshal general's office relating to Rose Elyra ; passes given to Mrs. A. V. De Hart, with the three children of Rose Elyra, per steamer Bio Bio, or otherwise, in January, 1863.
6. Also the means by which Mrs. De Hart could obtain passes for the children.
7. That Warneken & Co., merchants, Union street, be ordered to report what their books disclose as to Mrs. De Hart's passage for herself and the three colored children of Rose Elyra.

I have the honor to be,

FENTON ROCKWELL,
Captain, &c., Judge Advocate.

Colonel F. A. STARRING,
Provost Marshal General, Department of the Gulf.

Pass.

No. 9900.] OFFICE PROVOST MARSHAL, PARISH OF ORLEANS, LA.,
New Orleans, January 12, 1863.

Pass Mrs. M. C. Roland, son, servant, and four children, from New Orleans to Havana, per steamer Bio Bio.

This pass is given upon the parole of honor of the holder that he will in no way give information, countenance, aid, or support to the so-called confederate government or States.

_____, Provost Marshal.

A.

CITY POLICE JAIL,
New Orleans, January 13, 1863.

Received of Mrs. Roland the sum of six dollars and ninety cents, amount of jail fees on slave Rose, from the 7th January up to the 14th January, 1863.

A. W. MILLER, Police Jail Keeper.
L. A. LETTON, Clerk.

B.

CITY POLICE JAIL,
New Orleans, December 20, 1862.

Received from Mrs. Roland the sum of three dollars and sixty cents, amount of jail fees on slave Rose from the 19th December up to the 25th December, 1862.

A. W. MILLER, *Police Jail Keeper.*
J. A. LETTON, *Clerk.*

C.

CITY POLICE JAIL,
New Orleans, January 5, 1863.

Received from Mrs. Roland the sum of two dollars and ten cents, amount of jail fees on slave Rose from 31st December up to the 6th January, 1863.

A. W. MILLER, *Police Jail Keeper.*
J. A. LETTON, *Clerk.*

D.

CITY POLICE JAIL,
New Orleans, December 27, 1862.

Received from Mrs. Roland the sum of one dollar and fifty cents, amount of jail fees on slave Rose from the 26th December up to the 30th December, 1862.

A. W. MILLER, *Police Jail Keeper.*
J. A. LETTON, *Clerk.*

F.

Received, New Orleans, 10th September, 1862, of Madam George Roland, thirty dollars, being rent of house No. 215 Canal street, for month from September, 1862, to 15th October, 1862, in advance.

THOMAS ALLEN CLARK, *Agent.*

H.

CONSULADO DE ESPAÑA EN NUEVO ORLEANS,
Nouvelle Orleans, ce 11 Avril, 1865.

MONSIEUR: En réponse à la consultation que vous m'avez adressée en date d'hier relativement aux formalités nécessaires pour autoriser l'introduction dans l'île de Cuba d'esclaves venant d'un autre pays, je m'empresse de vous dire que l'immigration des personnes de couleur est interdite par les lois de la colonie, et qu'un propriétaire d'esclaves qu'y arriverait accompagné de quelques domestiques est obligé de fournir un cautionnement pour garantir le retour des dits domestiques esclaves au pays d'où ils procèdent. Si le propriétaire refusait de prêter le cautionnement requis, l'esclave serait mis en prison, et renvoyé au point de départ par le gouverneur de la colonie.

Je suis, monsieur, votre très obéissant serviteur,

Le Consul d'Espagne,

JUAN CALLYO.

Mr. ANTOINE DUBUC.

NEW ORLEANS, *June 6, 1865.*

GENERAL: I respectfully request your attention to the case of Mrs. Amelie De Hart, now confined at No. 232 Julia street, in pursuance of Special Orders No. 126, extract 10, headquarters department of the Gulf, dated May 13, 1865.

She was tried by his honor Judge Lieber, of the provost court, upon the charge of kidnapping three children of Rose Elyra, colored. The case was not decided by the court, but the record was forwarded to the commander of the department for his decision.

There is no law in the military code, nor is there any necessity, which gives a military court jurisdiction of this case. The act, if committed, was not in violation of any article of war, any principle of the laws of war, nor of any general or special order. It must be considered, then, a gross assumption of power upon the part of the commander of the department, who ordered the arrest, imprisonment, trial and sentence, for which he might be liable personally for damages.

The offence for which she is condemned is for "unlawfully separating children of less than ten years of age from their mother."

The law which the late commanding general undertook to execute is section 75, page 60, Revised Statutes of Louisiana, 1856, which reads as follows: "Whoever shall sell the mother of any slave child under the age of ten years, separate from its mother, shall incur the penalties of the preceding section," which is a fine of "not less than one thousand nor over two thousand dollars and forfeiture of such slave."

This case presents a strange instance of an attempt to execute the law and at the same time to violate its most important provisions—an enforcement of the law by violating it. If the general had the power to try and condemn the accused under the law, he is certainly guilty of mal-execution in office when he failed to apply the penalty attached to such an offence by the law. But he had no right to arrest and imprison the accused; his court had no right to try her, and he had no right to condemn her to be a hostage for the return of property, which she never owned or had in her possession.

The evidence is, that Dr. De Hart, the husband of the accused, owned Rose Elyra and three children; that in 1862 he sold the same to Madam Roland, who, early in 1863, took the children to Havana, first ordering the mother to prepare herself to go with her, which the mother refused to do; and Madam Roland, not able to compel her to go, had to go to Havana with the three children without the mother; certainly no fault of the mistress that she did not go.

The law prohibited the selling of either mother or children separate from each other. In this case they were sold together. The new mistress tried to keep them together. Was it her fault that they were separated? Certainly not. At all events, the separating was not by sale.

It should be remembered that the laws of the State which the general attempts to execute, in part ignoring the other and most important provision, the penalty, and substituting one of his own instead, at that time allowed, provided for and protected property in negroes, which laws had been for many years in full force, recognized by the paramount government of the United States, and never up to that time restricted, limited, or prohibited; and under those laws Dr. De Hart had a right to own, to sell, or dispose of said property to whomsoever he pleased; and he, or any one who became the owner afterwards, had a legal right to take that property to any place he or she might desire, subject to the laws of the State or county to which he might emigrate.

Therefore, if Dr. De Hart were on trial, the following points would be involved and decided:

First. The laws of this State recognizing property in negroes, his ownership of Rose Elyra and her three children was legal.

Second. Being the owner, he had a right, under the laws then in existence, to sell or dispose of them to any one whom he desired.

Therefore, as a consequence,

Third. He had a right to sell them to Madam Roland.

If Madam Roland were on trial, her case would be as follows:

First. The negroes being the property of Madam Roland, she had the right to take them to any State or country, if permitted by the law of the State or the country to which she desired to take them, there being no law of Louisiana or of the United States to the contrary.

Second. The fact that the mother refused and would not go with her children when she was requested and ordered to do so, with every facility for so doing, does not attach any guilt to Madam Roland for taking the children.

Therefore, Mrs. De Hart, who never owned or possessed the mother or children; who never sold or disposed of them; who did not, and could not, buy or sell them to separate them, is not guilty of the offence under the law of Louisiana, laws of war, articles of war, general or special orders, nor under any law of the United States. Her imprisonment is therefore unwarranted, unlawful, arbitrary, unjust, and should cease.

If it should appear that Dr. De Hart sold the mother and children in violation of the law aforesaid; and if it should also appear that Madam Roland took the children to Havana in violation of the law aforesaid; and if it should further appear that Mrs. De Hart aided or assisted or brought about their separation in violation of the law aforesaid, then Dr. De Hart, Madam Roland, and Mrs. De Hart are liable to trial and punishment for the offence; but by what tribunal? By a military commission, which is established for the trial of offences arising from the military occupation of the country? By a court-martial, which is established for the trial of violations of the laws of war, articles of war, or general or special orders? Or by a provost court, which has no existence in law? No, neither. It is an offence—if it be an offence—in violation of the statute of Louisiana, with no tribunals to try the offenders but the courts appointed lawfully for the execution of Louisiana law.

Mrs. De Hart was tried once before a civil tribunal of Louisiana for this offence as a violation of State law and acquitted. This trial and acquittal should have been recognized as her safeguard, secured to her by an elementary principle of constitutional law, "that no one shall be tried twice for the same offence,"* a principle dear to all supporters of Anglican liberty.

It is, therefore, respectfully submitted that humanity and justice alike demand her release.

I have the honor to be, general, with high respect, your most obedient servant,

JOS. T. TATUM,

Attorney for Mrs. De Hart, late officer of United States Volunteers.

Mr. Savage to Mr. Seward.

No. 137.]

CONSULATE GENERAL OF THE UNITED STATES,

Havana, September 15, 1865.

SIR: I have the honor to state, in answer to your despatch of the 29th ultimo, (No. 68,) which, with the accompanying documents, reached me a few days ago, that the three colored children therein referred to, and named Ernest, Maria, and Josephine, have been virtually under my control since the first part of July last, although staying at the house of Dr. De Hart. I enclose herewith a copy of a communication I addressed, on the 6th of July, to the United States provost

* Dr. Lieber on civil liberty.

marshal general, department of the Gulf. No reply thereto has been received at this office.

Madam Roland, the aunt of Mrs. De Hart, lives with Dr. De Hart. The children are very kindly treated—in fact, the same as if they were her children; she is very fond of them, and seems to feel keenly the threatened separation.

At this season of the year, with no proper conveyances running between this port and New Orleans, and a very severe quarantine at the latter named place, it would have been cruel in me to embark them. I have deemed it best to await the time when the quarantine restrictions shall be removed, and then avail myself of the best vessel that may be going to that port. It is possible that some steamer (the most proper conveyance for children of tender age) may be running in the winter, and they can be sent in her to their mother. I fear that the consulate will have to pay their passage, as Madam Roland declares she has no means, and owes her support to the kindness of Mr. De Hart.

A colored girl named Delia was brought here from New Orleans, in the first part of last year, by a Mrs. Whittimore, who sold her at Matanzas. So soon as the case was brought to the notice of Mr. Hall, our consul, he took steps to have the same investigated, and the representation being correct, he laid the matter before the governor there, by whom it was referred to the captain general. I have the satisfaction of announcing to the department that Delia has been declared free, and orders have been issued for her surrender to Mr. Hall. Mrs. Whittimore, it is understood, died somewhere in the United States, shortly after the sale of Delia was effected.

In justice to the man who purchased the girl, it is proper to state that she has been looked upon and in every respect treated as one of his family. She has been quite happy, but she must be sent to the United States, the law of this country so requiring it.

I have the honor to be, sir, with great respect, your obedient servant,
THOMAS SAVAGE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

UNITED STATES CONSULATE GENERAL,
Havana, July 6, 1865.

SIR: The following is a copy of a letter addressed to me by Madam Roland, of New Orleans, residing in this city:

“HAVANA, *July 4, 1865.*

“DEAR SIR: It having come to my notice that Mrs. J. A. De Hart, my niece, is detained in New Orleans on account of three little negroes, named Ernest, Maria, and Josephine, who were brought by me into this city in the month of January, 1863, in order to remove all difficulty, and that she may be allowed to return to her friends and family in Havana, I hereby offer to deliver the said children to you, or to the person whom you shall designate, and to place them in your charge, whenever you think proper to call for them.

“I am, sir, respectfully, your obedient servant,

“V. ROLAND.

“THOMAS SAVAGE, Esq.,
“*United States Consul General, Havana.*”

Consequently, the three children in question are now virtually under my control, and will be sent to New Orleans when a proper conveyance shall offer.

In justice to Madam Roland, I will state, from information given me by Mr. Dugué, of New Orleans, and other persons of respectability, that the three

children have been treated, at the house of Mr. De Hart, with all the kindness and affection that their mother could desire. They have been treated by Madam Roland as if they were her own children.

I am also informed that it was always the intention of Madam Roland to take the children to New Orleans when she returned there herself.

I am, sir, very respectfully, your obedient servant,

THOMAS SAVAGE,
United States Vice Consul.

The U. S. PROVOST MARSHAL GENERAL,
*Department of the Gulf, or any other
competent authority, New Orleans.*

Memorandum.—This letter was taken by an English vessel to Mobile. She sailed some four or five days after the date thereof. Mr. Dugué was charged with the delivery, so that it must have reached New Orleans some days after the 15th of July, the date of Major General Canby's letter to the Secretary of War. It must have been delivered, because I understand that Mrs. De Hart was released. Mr. Dugué would not have failed to deliver it.

THOMAS SAVAGE.

Mr. Durant to Mr. Seward.

NEW ORLEANS, *January 1, 1865. [1866.]*

SIR: In November, 1862, in this city, Mrs. De Hart, in the exercise of a power then held by the owners of slaves, caused her slave woman, Rose Elyra, to be confined in the city prison, and during her imprisonment the mistress took off to Havana Rose's three children, all of tender years, all less than ten years old, and of an age at which the slave laws of Louisiana forbade the separation of children from their mother. The abduction was moreover in violation of the orders of the general then commanding the department of the Gulf, and was surreptitiously executed, as on the ship's (Bio Bio's) papers, and on the papers at the provost marshal's office, the names and color of the children were omitted. Two years afterwards Mrs. De Hart returned to New Orleans without the children, and the mother having appealed without redress to one of the local civil tribunals, I commenced a prosecution for her against Mrs. De Hart, in the provost court of the department of the Gulf, in consequence of which the major general then commanding, General Hurlbut, ordered Mrs. De Hart to be confined in custody until she should cause the children to be restored. This order was modified by Major General E. R. S. Canby, who permitted Mrs. De Hart to be enlarged and to return to Havana, under a promise from her that she would, on arrival, have the children sent back. She went to Havana in July last, but up to this time the children have not been restored.

On the 30th of August, 1865, General Canby informed me that the case of the children of Rose Elyra had been fully reported by him to the Secretary of War, and all the papers connected with it transmitted to Washington.

On the 16th of October, 1865, the Secretary of War informed me that copies of all the papers in the case of the children of Rose Elyra had been transmitted to the Department of State, "in order that application may be made to the Spanish authorities for the return of the children."

My object is to call your attention, in the most respectful manner, to this case, and beg to be informed what steps have been taken to redress so enormous a wrong, committed on a poor mother, in violation of every written or unwritten law.

Her children have now been kept from her for three years, and in her name I earnestly invoke the aid of your department to redress one of the most grievous injuries that the crimes of a departed system have left evidence of.

Soliciting your reply, and with sentiments of respect, I remain your most obedient servant,

THOMAS J. DURANT,
18 Carondelet street.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington City.

Mr. Congar to Mr. Durant.

DEPARTMENT OF STATE,
Washington, January 11, 1866.

SIR: I have to acknowledge the receipt of your communication of the 1st instant, making inquiries relative to three colored children removed in the year 1862 from New Orleans to Havana, Cuba.

The case has already received the attention of this department, and for your information I transmit, herewith, an extract from a despatch No. 137, of the 15th of September, 1865, from the United States vice-consul general at Havana, a copy of which had previously been communicated through the War Department to the general in command at New Orleans.

I am, sir, your obedient servant,

H. N. CONGAR,
Acting Assistant Secretary.

THOMAS J. DURANT,
18 Carondelet street, New Orleans, La.

Mr. Congar to Mr. Minor.

No. 87.]

DEPARTMENT OF STATE,
Washington, January 12, 1866.

SIR: You are informed that the department has received unofficial information that small vessels loaded with cotton, and perhaps other products of value, and manned by negroes, have left the southern coast of the United States for the island of Cuba, and have returned again without the colored persons who were on board upon their departure.

As it is feared that, if the information referred to should be correct, the men have, on their arrival, been kidnapped and sold as slaves, you are directed to make careful inquiry regarding the matter, and report the result of the same to this department, in order that, should the reports and apprehensions referred to prove to be true, steps may be taken to restore the men to their freedom.

I am, sir, your obedient servant,

H. N. CONGAR,
Acting Assistant Secretary.

WM. T. MINOR, Esq.,
U. S. Consul General, Havana.

[Same to H. C. Hall, consul at Matanzas.]

[Confidential.]

Mr. Hunter to Mr. Minor.

No. 89.]

DEPARTMENT OF STATE,

Washington, January 24, 1866.

SIR: Referring to despatch No. 87, of the 12th instant, transmitted to you from this department, I now enclose a copy of a communication addressed to Hon. James Harlan, on the 9th instant, by Mr. Matt. S. Coffin, from New Orleans, relative to the report of negroes being kidnapped in the United States, and sold as slaves in the island of Cuba.

You will be vigilant to observe and prompt to report all movements which tend to confirm the truthfulness of this report.

I am, sir, your obedient servant,

W. HUNTER,
Acting Secretary.

WM. T. MINOR, Esq.,
U. S. Consul General, Havana.

[Private.]

NEW ORLEANS, January 9, 1866.

DEAR SIR: Since my arrival here, some ten days ago, I have been informed that thousands of negroes have been kidnapped and transported to Cuba, and sold into slavery, on the block, to the highest bidder. Having resided and done business here at an early period of life, I have many acquaintances here, and it is through southerners that my information is derived. It seems to me the government should institute investigation into this nefarious business, and take means to stop it, if it is not already being done.

I have made the acquaintance of Dr. A. P. Dostie, the recently appointed register and receiver in the United States land office at this place.

Very truly, yours,

MATT. S. COFFIN.

Mr. JAMES HARLAN,
Secretary Interior.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 9.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, February 4, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has the honor to transmit to the honorable Secretary of State of the United States a communication he has received from the captain general of the island of Cuba, caused by the alleged kidnapping and carrying to that island of free negroes from the southern States, about which Senator Sumner busied himself in the session of the Senate of 9th January; annexed the honorable Secretary of State will also find a copy of the provisions in force in the island of Cuba relating to the arrival at that island of people of color, free or slave—provisions which the captain general of Cuba affirms to have always been faithfully complied with.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State of the United States the assurance of his very high consideration.

GABRIEL G. TASSARA.

The Hon. SECRETARY OF STATE *of the United States.*

[Translation.]

Instructions regulating the formalities in respect to the arrival, movements, and departure of people of color coming from abroad to this island, and published on the 1st of April, in the year 1849.

ARTICLE 21. The individual of color, free or slave, who may arrive, coming from a foreign country, shall be immediately placed in safe-keeping, and with precautions that may be suitable, until he is taken abroad again.

If the house to whom he is consigned give security for the payment of one thousand dollars in the case of his leaving the vessel, he may live on board; but that security shall not be cancelled until the re-exportation is verified by the report of the captain of the port.

[Translation.]

HAVANA, *January 20, 1866.*

YOUR EXCELLENCY: I have read with surprise in the newspapers which have come by the last mail from New York, that during the session of the Senate on the 9th instant, Mr. Senator Sumner said that the freed negroes of the southern States are now kidnapped and taken off to this island and to Brazil, to be held in slavery, and that in this manner a new traffic had been inaugurated on the shores of the south.

What was said by Mr. Sumner with reference to the island of Cuba is not true; and you may give assurance that a case cannot be made out, even of a solitary individual.

Our legislation relating to individuals of color, free or slave, arriving from abroad, which was published on the 1st of April, 1849, is conclusive, and to the end that you may place before that government the inaccuracy into which Mr. Sumner has fallen, there is annexed a literal copy of article 21st of the instruction above cited, which has never been infringed.

God save you, &c.

DOMINGO DULCE.

His Excellency the MINISTER OF HER CATHOLIC MAJESTY
At Washington.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, February 16, 1866.

The undersigned, Secretary of State of the United States, has the honor to acknowledge, with much satisfaction, the receipt of the note addressed to him, of the 4th instant, by Mr. Tassara, on the subject of the provisions in force in the island of Cuba relative to the arrival there of people of color, free or slave.

The undersigned offers to Mr. Tassara renewed assurances of his very high consideration.

WILLIAM H. SEWARD.

Señor Don GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Hall to Mr. Seward.

No. 36.]

UNITED STATES CONSULATE,
Matanzas, February 17, 1866.

SIR: I have the honor to acknowledge the receipt of despatches Nos. 26 to 28, inclusive. With reference to the subject of No. 27, I have to inform the department that, after diligent investigation, and having heard the opinions of persons likely to be informed, I have not as yet been able to learn that there is any truth in the unofficial information, as given to the department, in regard to the kidnapping of negroes who have left the southern coast of the United States, and arrived in this island, in vessels laden with cotton and other products. It would have facilitated in ascertaining the facts if the names of the vessels, time, and places of departure and return had been given.

If such atrocities were practicable, there is no doubt that people could be found here, as well as elsewhere, ready to participate; but, as far as concerns this consular district, I am quite confident that no transactions of the kind have occurred, unless in some individual case like that of the girl Delia, the only one that has been brought to my notice, the particulars of which are hereinafter given.

In April of last year the British schooner Arrow arrived at this port from Port Royal, South Carolina, and two negroes belonging to her crew, shipped at that place, deserted, and presented themselves to me, complaining of harsh treatment on board. Having ascertained that their statements were in part true, I requested the British vice-consul to have the men discharged, and extra wages allowed them by the vessel, sufficient to pay their expenses back to the United States. This was complied with, and the money handed to me. The men remained here a few days, while I obtained passages for them to New York. These I paid, and handed the men the balance of their money. The Arrow returned to Port Royal. This may have been one of the cases in which the vessels returned without the negroes.

Aside from the penalties which would surely follow detection, it is believed that the introduction of that class of people from the United States at this late day is not in the least desirable. Planters could hardly be induced to take them to their estates; they would not object to receiving any number of native Africans, but would be wary of introducing among their slaves, who are beginning to have some vague ideas about freedom, negroes from the United States, who might give the planters any amount of trouble in enforcing discipline.

It is seldom that a cargo of Africans has been landed that the facts have not soon been made public, and any attempt to introduce negroes from the United States in the manner referred to, to be sold into slavery, could hardly fail of becoming known immediately. I shall, however, continue my investigations, and communicate promptly to the department whatever I can learn.

During the first month of 1864 a Mrs. Whittemore arrived at Havana from New Orleans, bringing with her a colored girl of about twelve years of age, named Delia, held as a slave when she left the latter place; the girl was allowed to land in Havana, at the request of Mr. Savage, Mrs. Whittemore representing to him that she proposed remaining on the island for a few weeks only, and would then take the girl with her to the north. Subsequently the girl was brought to this place and sold. A statement of the case was made by me to the proper authority, as will appear by the accompanying copies of correspondence with the governor of this city, from which it will be seen that the girl has been declared free "in fact and by right," and placed at the disposition of the consulate. The girl was brought to the consulate and delivered to me; she had been told already that she was free. I asked her whether she desired to return to the United States. She replied that not then; that she did not know where

her friends were; that her mother was not living; that she had been very kindly treated in the family she was with—much better than she had been by Mrs. Whittemore—had never had such a good home; that they had taught her to read; that she was then learning embroidery and fancy needle-work, at which she thought she could earn a livelihood when she had grown up, and finally that for the present she preferred to remain where she was, but that if anything should occur she would come to the consulate at once.

Her freedom being fully established and recognized; having been assured also that Rodriguez, the purchaser, had made the purchase in good faith; that he and his family are people of good standing and morality, according to the earnest wishes of the girl herself, I requested the governor to allow her to remain with them until a suitable opportunity might offer of sending her to the United States. She is still with the family, and I do not believe her welfare would be promoted by removing her against her wishes.

I have the honor to be, with high respect, your obedient servant,

HENRY C. HALL,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Hall to the governor of Matanzas.

MATANZAS, *July 31, 1865.*

SIR: I have to inform you that during the first month of last year a woman, named Mrs. Whittemore, arrived at Havana from New Orleans, having with her a colored servant girl named Delia, a native of the United States, which servant was permitted to land by request of the acting consul general of the United States at that port. Subsequently Mrs. Whittemore came to this city and sold the girl Delia to Don José Rodriguez, who resides in "Calle de Contrenas, No. 56." I have understood that the bill of sale was executed in the office of the Notary Zambrana some time in the month of April or May, 1864. Having heard also that this girl is still held by Rodriguez as a slave, when by every right she is free, I therefore consider it my duty to make a statement of the foregoing facts, persuaded that you will order such measures to be taken as this case demands.

I have the honor to be, &c., &c.,

HENRY C. HALL,

United States Consul.

His Excellency the GOVERNOR OF MATANZAS, &c., &c., &c.

From the governor of Matanzas.

CIVIL AND MILITARY GOVERNMENT OF MATANZAS,

Office of the Political Secretary, August 17, 1865.

On receipt of your communication of 31st July ultimo, relating to the mulatress girl Delia, I gave orders to have Don José Rodriguez, the purchaser, to appear before me, which, on account of ill health, he was not able to comply with, Don José M. Gasals, holding his power of attorney, appearing in his stead, who stated that his constituent had in reality purchased the mulatress of Mrs. Cornelia Whittemore, believing her to be a slave, and subject to service as such by virtue of a document which the sender exhibited, but that subsequently he (Rodriguez) ascertained that Delia was free, and could not be sold, for which

he attempted to institute judicial proceedings against Mrs. Whittemore, but could not do so, as he learned that she had gone to the United States; he therefore at once delivered the girl alluded to to this government, reserving the right of reclamation against Mrs. Whittemore.

In view of which I have disposed that the girl Delia remain with Rodriguez until his excellency the superior civil governor of the island gives his decision on the subject, and to that effect I remit his excellency the foregoing particulars of which I have the honor to inform you.

God preserve you many years.

PEDRO ESTEBAN.

The CONSUL OF THE UNITED STATES OF AMERICA, *in this city.*

From the governor of Matanzas.

CIVIL AND MILITARY GOVERNMENT OF MATANZAS,
Office of the Political Secretary.

His excellency the superior civil governor of the island has been pleased to decide that, as to the introduction of slaves into this island is prohibited, and the mulattress girl Delia not having been returned to the place whence she came, as should have been done by Mrs. Cornelia Whittemore, she is free in fact and by right, (*de hecho y de derecho*), and consequently the sale is null; instructing me also to deliver the said mulattress to you, in order that she may be restored to her family and native country. All of which I have the honor to inform you, as well as that, under this date, I have issued the requisite order to Don José Rodriguez to place the said mulattress at your disposition. God preserve you many years.

MATANZAS, *September 4, 1865.*

PEDRO ESTEBAN.

The CONSUL OF THE UNITED STATES OF AMERICA, *in this city.*

From Mr. Hall to the governor of Matanzas.

UNITED STATES CONSULATE,
Matanzas, September 5, 1865.

SIR: I have the honor to acknowledge the receipt of your communications of 17th ultimo and 4th instant, and in reply thereto I have to say, that whenever the girl Delia is placed at my disposal, I will take charge of her and improve the first opportunity that offers to send her to the United States, in compliance with the disposition to that effect made by his excellency the superior civil governor of the island.

I have the honor to be, &c.,

HENRY C. HALL,
United States Consul.

His Excellency the GOVERNOR OF MATANZAS, &c., &c., &c.

From the United States consul to the governor of the city.

UNITED STATES CONSULATE,
Matanzas, September 14, 1865.

SIR: Referring to the communication which I had the honor to address you, dated 5th instant, I have now to inform you that yesterday an employé of the

police of this city presented himself, and delivered to me the mulattress girl Delia, referred to in said communication; but as there is no suitable opportunity, at present, of sending her to her native country, I have to request that you will permit her to remain in care of the family of Don José Rodríguez until such opportunity offers of returning her to the United States. To which the said Rodríguez agrees, as I am informed by his attorney, Don José M. Casals; and is also the earnest wish of the girl, as she herself has expressed to me.

I have the honor to be, &c.,

HENRY C. HALL,
United States Consul.

His Excellency the GOVERNOR OF MATANZAS, &c., &c., &c.

From the Governor of Matanzas.

CIVIL AND MILITARY GOVERNMENT OF MATANZAS,
Office of the Political Secretary.

In reply to your communication of the 14th instant, requesting permission for the girl Delia to remain in care of the family of Don José Rodríguez until a suitable opportunity offers of returning her to her native country, I beg to state that I accede to the request therein contained. God preserve you many years.

MATANZAS, *September**16, 1865.

PEDRO ESTEBAN.

To CONSUL OF THE UNITED STATES OF AMERICA, *in this city.*

Mr. Minor to Mr. Seward.

No. 170.]

UNITED STATES CONSULATE GENERAL,
Havana, February 19, 1866.

SIR: In reply to despatches Nos. 87 and 89 from the Department of State, the latter accompanied by copy of a letter from Mr. Matt. S. Coffin to the Hon. Secretary of the Interior, I have the honor to state, that immediately upon the receipt of the first despatch I instituted inquiries, and up to this time have not been able to find anything to warrant the belief that colored persons have been brought here from the southern coast of the United States, on vessels, large or small, laden with cotton or other products, and left on the island upon the departure of the vessel.

Without doubt there are persons on this island, as well as in the United States, bad enough to engage in this inhuman business, if it could be safely and profitably carried on; but by the Spanish law no colored person can be landed on the island of Cuba unless a bond, with a suitable penalty, be given that the negro shall be again removed from the island, and for obvious reasons the Spanish colonial authorities, not only in Havana but all over Cuba, are strict in requiring the observance of this law; no colored person can therefore have been landed here for the purpose of being kidnapped and sold into slavery, except in violation of this law, and, of course, at some uninhabited place upon the coast, and if so landed must have been taken at once to some plantation in the interior of the island. The impression is quite general here that, by recent events in the United States, even the most ignorant slave has been educated into some idea of personal liberty, and that, consequently, even if again reduced to a state of slavery, his examples and teachings would be dangerous on the plantations; therefore, in the absence of all proof, and even of rumors among the people here,

and on account of the difficulties attending an attempt of this character, I do not believe that negroes have been kidnapped from the United States, brought here, and reduced to slavery.

The investigations will be continued, and I shall also attempt to ascertain whether there be any plan to carry on this nefarious business hereafter, and will promptly report the result of those investigations.

Mr. Coffin, in his letter bearing date New Orleans, January 9, 1866, says: "Since my arrival here, some ten days ago, I have been informed that thousands of negroes have been kidnapped and transported to Cuba, and sold into slavery on the block to the highest bidder." During the existence of the rebellion, I have no doubt that refugees from New Orleans brought here some of their slaves. During the past year seven of these have been reclaimed through this consulate, four of whom have been sent to the United States, and three children are now here, at the control of the consulate, awaiting a proper opportunity to go to New Orleans, which will be about the 1st of March. One of the negroes above referred to, and who was returned to New Orleans about the middle of January, 1865, had been sold some time during the year previously thereto. It is possible that the information given to Mr. Coffin may have originated from cases similar to those above. I think, however, that I may safely assure the department that the information given to Mr. Coffin, and as stated in his letter, is without foundation in fact.

It is, however, always difficult to arrive at the truth from general statements; and if Mr. Coffin will obtain from his informants any particular case, it will afford great assistance in the further investigation of the matter.

I have the honor to be, with sentiments of respect, your obedient servant,

WILLIAM T. MINOR,

United States Consul General.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

Bill (S. No. 61) "To protect all persons in the United States in their civil rights, and furnish the means of their vindication," with his objections there'o.

MARCH 27, 1866.—Read and ordered to be printed.

To the Senate of the United States:

I regret that the bill which has passed both houses of Congress, entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," contains provisions which I cannot approve, consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States. I am therefore constrained to return it to the Senate, the house in which it originated, with my objections to its becoming a law.

By the first section of the bill all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or confer any other right of citizenship than federal citizenship. It does not purport to give these classes of persons any *status* as citizens of States, except that which may result from their *status* as citizens of the United States. The power to confer the right of State citizenship is just as exclusively with the several States as the power to confer the right of federal citizenship is with Congress.

The right of federal citizenship thus to be conferred on the several excepted races before mentioned is now, for the first time, proposed to be given by law. If, as is claimed by many, all persons who are native-born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill cannot be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make

them such, the grave question presents itself, whether, when eleven of the thirty-six States are unrepresented in Congress at the present time, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States? Four millions of them have just emerged from slavery into freedom. Can it be reasonably supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens, in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill? Those rights are, by federal as well as State laws, secured to all domiciled aliens and foreigners, even before the completion of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the government, from its origin to the present time, seems to have been that persons who are strangers to and unfamiliar with our institutions and our laws should pass through a certain probation, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens, as contemplated by the Constitution of the United States. The bill, in effect, proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have just now been suddenly opened. He must, of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of our institutions than he who, coming from abroad, has to some extent, at least, familiarized himself with the principles of a government to which he voluntarily intrusts "life, liberty, and the pursuit of happiness." Yet it is now proposed, by a single legislative enactment, to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth, who make our land their home, must undergo a probation of five years, and can only then become citizens upon proof that they are "of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same."

The first section of the bill also contains an enumeration of the rights to be enjoyed by these classes, so made citizens, "in every State and Territory in the United States." These rights are, "to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property," and to have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens." So, too, they are made subject to the same punishment, pains, and penalties in common with white citizens, and to none other. Thus a perfect equality of the white and colored races is attempted to be fixed by federal law in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights. In no one of these can any State ever exercise

any power of discrimination between the different races. In the exercise of State policy over matters exclusively affecting the people of each State, it has frequently been thought expedient to discriminate between the two races. By the statutes of some of the States, northern as well as southern, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks, that "marriages between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slaveholding States; and when not absolutely contrary to law, they are revolting, and regarded as an offence against public decorum."

I do not say that this bill repeals State laws on the subject of marriage between the two races; for, as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and therefore cannot, under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy as to discrimination, and to inquire whether, if Congress can abrogate all State laws of discrimination between the two races in the matter of real estate, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races? Hitherto every subject embraced in the enumeration of rights contained in this bill has been considered as exclusively belonging to the States. They all relate to the internal police and economy of the respective States. They are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not federal restraints—as, for instance, in the State power of legislation over contracts, there is a federal limitation that no State shall pass a law impairing the obligations of contracts; and, as to crimes, that no State shall pass an *ex post facto* law; and, as to money, that no State shall make anything but gold and silver a legal tender. But where can we find a federal prohibition against the power of any State to discriminate, as do most of them, between aliens and citizens, between artificial persons called corporations and natural persons, in the right to hold real estate? If it be granted that Congress can repeal all State laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal, in the same way, all State laws discriminating between the two races on the subjects of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a State, then Congress can by law also declare who, without regard to color or race, shall have the right to sit as a juror or as a judge, to hold any office, and, finally, to vote, "in every State and Territory of the United States." As respects the Territories, they come within the power of Congress, for as to them the law-making power is the federal power; but as to the States no similar provision exists vesting in Congress the power "to make rules and regulations" for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares "that any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court." This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill now under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall put or attempt to put them into execution. It means an official offence—not a common crime committed against law upon the persons or property of the black race. Such an act may deprive the black man of his property, but not of the *right* to hold property. It means a deprivation of the right itself, either by the State judiciary or the State legislature. It is therefore assumed that under this section members of State legislatures who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws and issued by State judges in execution of their judgments, could be brought before other tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial power of the State. It says to every State court or judge, if you decide that this act is unconstitutional; if you refuse, under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject-matter the State law is paramount, and "under color" of a State law refuse the exercise of the right to the negro, your error of judgment, however conscientious, shall subject you to fine and imprisonment! I do not apprehend that the conflicting legislation which the bill seems to contemplate, is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality.

In the next place, this provision of the bill seems to be unnecessary, as adequate, judicial remedies could be adopted to secure the desired end, without invading the immunities of legislators, always important to be preserved in the interest of public liberty; without assailing the independence of the judiciary, always essential to the preservation of individual rights; and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be, in this

respect, not only anomalous, but unconstitutional, for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making and executing laws in regard to all matters arising within their jurisdiction, subject only to the restriction that, in cases of conflict with the Constitution and constitutional laws of the United States, the latter should be held to be the supreme law of the land.

The third section gives the district courts of the United States exclusive "cognizance of all crimes and offences committed against the provisions of this act," and concurrent jurisdiction with the circuit courts of the United States of all civil and criminal cases "affecting persons who are denied, or cannot enforce in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section." The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial or deprivation of the rights secured by the first section was in contemplation. It is a denial or deprivation of such rights "in the courts or judicial tribunals of the State." It stands, therefore, clear of doubt that the offence and the penalties provided in the second section are intended for the State judge who, in the clear exercise of his functions as a judge, not acting ministerially but judicially, shall decide contrary to this federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and a federal law, and bound, according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the federal law is invalid, he must not follow the dictates of his own judgment, at the peril of fine and imprisonment. The legislative department of the government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress.

It is clear that, in States which deny to persons whose rights are secured by the first section of the bill any one of those rights, all criminal and civil cases affecting them will, by the provisions of the third section, come under the exclusive cognizance of the federal tribunals. It follows that if, in any State which denies to a colored person any one of all those rights, that person should commit a crime against the laws of a State—murder, arson, rape, or any other crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the federal courts. How is the criminal to be tried? If the offence is provided for and punished by federal law, that law, and not the State law, is to govern. It is only when the offence does not happen to be within the purview of federal law that the federal courts are to try and punish him under any other law. Then resort is to be had to the "common law, as modified and changed" by State legislation, "so far as the same is not inconsistent with the Constitution and laws of the United States." So that over this vast domain of criminal jurisprudence provided by each State for the protection of its own citizens, and for the punishment of all persons who violate its criminal laws, federal law, whenever it can be made to apply, displaces State law. The question here naturally arises, from what source

Congress derives the power to transfer to federal tribunals certain classes of cases embraced in this section? The Constitution expressly declares that the judicial power of the United States "shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming land under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects." Here the judicial power of the United States is expressly set forth and defined; and the act of September 24, 1789, establishing the judicial courts of the United States, in conferring upon the federal courts jurisdiction over cases originating in State tribunals, is careful to confine them to the classes enumerated in the above-recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrust and alarm on the part of all the States; for the bill applies alike to all of them—as well to those that have as to those that have not been engaged in rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution, as recently amended, to enforce, by appropriate legislation, the article declaring that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." It cannot, however, be justly claimed that, with a view to the enforcement of this article of the Constitution, there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States; nor has there been, nor is it likely there will be, any attempt to revive it by the people or the States. If, however, any such attempt shall be made, it will then become the duty of the general government to exercise any and all incidental powers necessary and proper to maintain inviolate this great constitutional law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests, and also that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes circuit courts of the United States and the superior courts of the Territories to appoint, without limitation, commissioners, who are to be charged with the performance of *quasi* judicial duties. The fifth section empowers the commissioners so to be selected by the courts to appoint in writing, under their hands, one or more suitable persons from time to time to execute warrants and other processes described by the bill. These numerous official agents are made to constitute a sort of police, in addition to the military, and

are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, "as may be necessary to the performance of the duty with which they are charged." This extraordinary power is to be conferred upon agents irresponsible to the government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression, and fraud. The general statutes regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for every emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner as, while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him, and a fee of five dollars to his deputy, or deputies, "for each person he or they may arrest and take before any such commissioner," "with such other fees as may be deemed reasonable by such commission," "in general for performing such other duties as may be required in the premises." All these fees are to be "paid out of the treasury of the United States," whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.

By the eighth section of the bill the United States courts, which sit only in one place for white citizens, must migrate, with the marshal and district attorney, (and necessarily with the clerk, although he is not mentioned,) to any part of the district upon the order of the President, and there hold a court "for the purpose of the more speedy arrest and trial of persons charged with a violation of this act;" and there the judge and officers of the court must remain, upon the order of the President, "for the time therein designated."

The ninth section authorizes the President, or such person as he may empower for that purpose, "to employ such part of the land or naval forces of the United States or of the militia as shall be necessary to prevent the violation and enforce the due execution of this act." This language seems to imply a permanent military force, that is to be always at hand, and whose only business is to be the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me the details of the bill seem fraught with evil. The white race and the black race of the south have hitherto lived together under the relation of master and slave—capital owning labor. Now, suddenly, that relation is changed, and, as to ownership, capital and labor are divorced. They stand now each master of itself. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. Each has equal power in settling the terms, and, if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem. Capital, it is true, has more intelligence, but labor is never so ignorant

as not to understand its own interests, not to know its own value, and not to see that capital must pay that value.

This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue, and when it is closed their occupation will terminate.

In all our history, in all our experience as a people, living under federal and State law, no such system as that contemplated by the details of this bill has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the general government has ever provided for the white race. In fact, the distinction of race and color is, by the bill, made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States, with the relations existing exclusively between a State and its citizens, or between inhabitants of the same State—an absorption and assumption of power by the general government which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, towards centralization, and the concentration of all legislative powers in the national government. The tendency of the bill must be to resuscitate the spirit of rebellion, and to arrest the progress of those influences which are more closely drawing around the States the bonds of union and peace.

My lamented predecessor, in his proclamation of the 1st of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States therein designated were, and thenceforward should be free, and, further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons. This guarantee has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people, whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States.

Entertaining these sentiments, it only remains for me to say that I will cheerfully co-operate with Congress in any measure that may be necessary for the protection of the civil rights of the freedmen, as well as those of all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, in conformity with the provisions of the federal Constitution.

I now return the bill to the Senate, and regret that, in considering the bills and joint resolutions—forty-two in number—which have been thus far submitted for my approval, I am compelled to withhold my assent from a second measure that has received the sanction of both houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., *March 27, 1866.*

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA.

AT THE FIRST SESSION BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY FIVE.

AN ACT to protect all persons in the United States in their civil rights, and furnish the means of their vindication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians, not taxed, are hereby declared to be citizens of the United States; and such citizens of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted,* That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses, or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a bureau for the relief of freedmen and refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the "Act relating to habeas corpus and regulating judicial proceedings in certain cases," approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The

jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 4. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act. And such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or the posse comitatus of the proper county, or such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act; and said warrants shall run and

be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 6. *And be it further enacted*, That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 7. *And be it further enacted*, That the district attorneys, the marshals, their deputies, and the clerks of the said district and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 8. *And be it further enacted*, That whenever the President of the United States shall have reason to believe that offences have been, or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 10. *And be it further enacted*, That upon all questions of law arising in any cause under the provisions of this act, a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAX,
Speaker of the House of Representatives.

LAFAYETTE S. FOSTER,
President of the Senate pro tem.

I certify that this act did originate in the Senate.

J. W. FORNEY,
Secretary.

LETTER
OF THE
SECRETARY OF WAR,

COMMUNICATING,

In obedience to a resolution of the Senate of the 9th instant, information in relation to legislation necessary to fix and establish the position of the Chicago and Rock Island railroad at Rock Island, Illinois, as to enable the War Department to occupy said island for military purposes.

MARCH 23, 1866.—Referred to the Committee on Military Affairs and the Militia.

MARCH 27, 1866.—Ordered to be printed.

WAR DEPARTMENT,
Washington City, March 21, 1866.

SIR: In compliance with the Senate's resolution of the 9th of March, directing the Secretary of War to inform the Senate what legislation is necessary to fix the position of the Chicago and Rock Island railroad, and to enable the War Department to occupy for military purposes Rock Island and the islands adjacent to it, &c., I have the honor to transmit herewith the Chief of Ordnance's report of the 14th instant on the subject.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

ORDNANCE DEPARTMENT, WAR DEPARTMENT,
Washington, March 14, 1866.

SIR: In answer to the Senate resolution of the 9th instant, in reference to further legislation respecting the occupancy of Rock Island, Illinois, for military purposes, I have to report:

It is essential to the proper execution of the provisions of the act of April 19, 1864, that the present location of the Chicago and Rock Island railroad on Rock Island, and the bridges leading thereto, should be changed so as to fix the position of the road, which is essentially necessary on the lower end of the island, and to establish wagon roads across each bridge, open to the government at all times, for the transportation of materials and the ready access or egress of persons in government employ, free of charge, to or from the island. It is thought that the present position of the railroad on Rock Island is without authority of law, and is held merely on sufferance. It is not such as to accord with the purposes of the government in occupying the island for military pur-

poses ; but may be made so by the change of location, and the establishment of wagon roads across the bridges, as above suggested ; in consideration of which, a permanent right of way may be granted and secured by law to the railroad company, with such other aid from the government in effecting the same as may be adjudged to be fair and equitable by the board of commissioners authorized under the act of April 19, 1864, and may be approved by the Secretary of War. The new location of the railroad, with the extent of ground to be occupied and held by the company, and the character and all details of the wagon-road bridges, should be subject to the decision of the Secretary of War, so as to make the whole best accord with the purposes of the government in a military point of view.

The act of April 19, 1864, before referred to, gives authority to the Secretary of War to take and hold full, complete, and permanent possession, in behalf of the United States, of all the lands and shores of the island of Rock Island, in the State of Illinois ; and the only additional legislation that will be necessary to effect the same in regard to the small, contiguous islands, known as Benham's, Wilson's, and Winnebago islands, will be to extend the provisions of that act so as to include them. Their ownership and occupancy by the United States are necessary for carrying out the military purposes of the act, in addition to the ownership and occupancy of the lands and shores of Rock Island already provided for.

The claims for property on the small islands and of those whose property on Rock Island has been taken in pursuance of law amount to \$293,600. That amount, however, is considered too great, and the claims are subject to examination by a board of commissioners, as provided by the law, who are to ascertain the true and just amount of each, and report the same to the United States circuit court, which is to order payment. The appropriation necessary to liquidate these claims cannot exceed the amount above stated—\$293,600—but may, and probably will, be less. I would suggest an appropriation for this purpose of that sum, or so much thereof as may be necessary, to pay claims for such amounts respectively as may be reported by commissioners, and ordered by the United States circuit court to be paid.

It is estimated that the requisite appropriation for securing water-power at the head of Rock Island will be \$100,000. This power will be necessary for carrying on work at the arsenal of construction directed by law to be established on the island, and it should and may be secured in such manner as to improve the healthfulness of the island and adjacent main lands, and also the navigation of the river.

To erect storehouses for the preservation of arms and other munitions of war at Rock Island arsenal, and to establish communication between the arsenal and the cities of Davenport, Iowa, and Rock Island, Illinois, there should be a present appropriation of \$100,000.

I respectfully submit the following sketch of an act such as is contemplated by the resolution :

AN ACT making further provision for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois.

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to fix and establish the position of the Chicago and Rock Island railroad on the island of Rock Island, so as to best accord with the purposes of the government in its occupancy of said island for military purposes ; and, in order to effect this, he is authorized to grant to the railroad company a permanent location and right of way on and across Rock Island, to be fixed and designated by him, with such quantity of land, to be occupied and held by the company for railroad purposes, as may be necessary therefor ; and that the said grant be made on such terms and conditions, previously arranged, as will best effect and secure the purposes of the government in occupying the island.

Be it further enacted, That the Secretary of War be, and is hereby, authorized to grant to the Chicago and Rock Island Railroad Company such other aid, pecuniary or otherwise, toward effecting the change in the present location of their road on Rock Island as may be adjudged to be fair and equitable by the board of commissioners, authorized under the act of April 19, 1864, entitled "An act in addition to an act for the establishment of certain arsenals," and may be approved by him.

Be it further enacted, That the provisions of the act, approved April 19, 1864, entitled "An act in addition to an act for the establishment of certain arsenals," be so extended as to include the small islands contiguous to Rock Island, and known as Benham's, Wilson's, and Winnebago islands.

Be it further enacted, That the following sums be, and they are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for Rock Island arsenal, to be applied as follows, viz :

To liquidate claims for property in Benham's, Wilson's, and Winnebago islands, and for property in Rock Island which has been taken, in pursuance of law, for military purposes, two hundred and ninety-three thousand six hundred dollars, or so much thereof, and no more, as may be necessary to pay the respective claimants such amounts as may be reported by the board of commissioners, authorized by the act of April 19, 1864, and ordered by the United States circuit court to be paid to each.

To secure water-power at the head of Rock Island, one hundred thousand dollars.

To erect storehouses for the preservation of arms and other munitions of war, and to establish communication between Rock Island arsenal and the cities of Davenport, Iowa, and Rock Island, Illinois, one hundred thousand dollars.

Senate resolution of the 9th instant is herewith returned.

Very respectfully, your obedient servant,

A. B. DYER,

Brevet Major General, Chief of Ordnance.

Hon. E. M. STANTON,

Secretary of War.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A memorial of the legislature of Alabama, asking an extension of the time for the completion of certain railroads in said State.

APRIL 2, 1866.—Read, referred to the Committee on Public Lands, and ordered to be printed.

To the Senate of the United States :

I transmit to the Senate a memorial of the legislature of Alabama, asking an extension of time for the completion of certain railroads in said State.

ANDREW JOHNSON.

WASHINGTON, D. C., March 26, 1866.

A JOINT MEMORIAL of the senate and house of representatives of the State of Alabama, in general assembly convened, to the Congress of the United States.

This memorial of the general assembly of the State of Alabama, to the Senate and House of Representatives of the United States of America in Congress assembled, respectfully shows unto your honorable body, that by virtue of an act of the Congress of the United States, approved on the third day of June, 1856, "granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State," the trust reposed by which act being accepted by the State, and the necessary enactments of her general assembly made to carry out the objects of this liberal donation to encourage the railroads of the State, so as to make the same available on the terms of the grant, several of the roads embraced in the above-recited act, to wit: the Tennessee and Coosa Rivers railroad from Gunter's landing, on the Tennessee river, to Gadsden, on the Coosa river; the Wills Valley railroad, from Gadsden, through Wills and Lookout Valley, to Chattanooga; the Girard and Mobile railroad, from Girard to Mobile, Alabama; the Northeast and Southwest Alabama railroad, from near Gadsden to Meridian, Mississippi; the Coosa and Alabama railroad, from Selma to Gadsden, and the Central railroad, from Montgomery to some point on the Alabama and Tennessee State line, in the direction of Nashville, Tennessee, were commenced and being in regular process of construction, when all operations and work towards their completion were suspended by the late unfortunate civil war between the so-called Confederate States and the United States of America, and the said railroad corporations thereby prevented from complying with the terms of the grant as to the time of completion of their respective roads, which was to be within ten years from the passage of the act. Now, therefore, by reason of

this prevention, wholly unexpected and unavoidable on the part of these corporations, who, encouraged by this very liberal grant of the general government, had invested capital and expended time and labor in good faith for the prosecution of these great and important works of internal improvements, important to the United States as well as the State of Alabama, in enlarging the commercial resources, developing the mineral wealth of a common country, and strengthening the bonds of Union between the States, the general assembly of the State of Alabama do most respectfully ask of the Congress of the United States to extend to these railroad companies the time for completion of their roads five years from and after the 3d day of June, 1866. And your memorialists will ever pray, &c.

Resolved, That the governor of this State furnish a copy of this memorial to the President of the United States, with a request that he will at an early day bring the same to the favorable notice of Congress.

Approved February 20, 1866.

EXECUTIVE DEPARTMENT, STATE OF ALABAMA.

I certify that the foregoing is a correct copy of a joint memorial of the general assembly of the State of Alabama.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of the State, at Montgomery, this the 23d day of February, A. D. 1866, and of the independence of the United States of America the ninetieth year.

[L. S.]

R. M. PATTON,
Governor of Alabama.

By the governor :

ALBERT ELMORE,
Secretary of State.

LETTER
OF THE
POSTMASTER GENERAL,
COMMUNICATING,

In compliance with a resolution of the Senate of the 3d instant, information in regard to the oath required to be taken by persons in the employ of that department.

APRIL 4, 1866.—Read, ordered to lie on the table and be printed.

POST OFFICE DEPARTMENT,
Washington, April 4, 1866.

SIR: In answer to a resolution adopted by the Senate yesterday, a copy of which was delivered to me this morning, I have the honor to state that the records of this department show that at no time since the report of December last has any person been permitted to enter upon the duties of any office connected with this department, or receive any salary or emoluments of such office, who did not first take the oath prescribed by acts of Congress, without alteration or explanation.

I am, very respectfully, your obedient servant,

W. DENNISON,
Postmaster General.

HON. LAFAYETTE S. FOSTER,
President of the Senate.

1852
1853

BRITISH

1854
1855

1856

POSTMASTER GENERAL

In compliance with a resolution of the House of Commons passed on the 14th of March 1856, the following statement is submitted to the House of Commons in relation to the operations of the Post Office during the year 1855.

The statement is divided into two parts, the first of which contains a general account of the operations of the Post Office during the year 1855, and the second of which contains a detailed account of the operations of the Post Office during the year 1855, in relation to the various branches of the service.

W. DAVENPORT,
General Manager.

W. DAVENPORT & CO.,
Printers, 15, Abchurch Lane, London, E.C.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 7th of March, 1866, information respecting the improvement of the Washington city canal.

APRIL 4, 1866.—Read, referred to the Committee on the District of Columbia, and ordered to be printed.

To the Senate of the United States :

I transmit herewith a report by the Secretary of War, in compliance with the Senate's resolution of the 7th of March, 1866, respecting the improvement of the Washington city canal, to promote the health of the metropolis.

ANDREW JOHNSON.

EXECUTIVE MANSION, April 3, 1866.

WAR DEPARTMENT,
Washington City, April 3, 1866.

MR. PRESIDENT : In compliance with the Senate's resolution of the 7th March, respecting the improvement of the Washington city canal in order to secure the health of the metropolis, referred by you to this department, I have the honor to transmit herewith the chief engineer's communication of the 2d instant, with a report of the board of engineers who have had the subject under examination.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

ENGINEER DEPARTMENT,
Washington, April 2, 1866.

SIR : I enclose herewith a report from the officers of the corps of engineers, detailed in conformity with the resolution of the Senate of the United States of the 7th of March, 1866, of the immediate means which, in their judgment, should be adopted for the temporary improvement of the Washington city canal to secure the health of the residents of the city during the coming summer, with an estimate of the expense of carrying their project into effect at an early date.

The second part of the resolution of the Senate, calling for a plan for the permanent improvement and regulation of the canal and its uses to most effectually remove the existing nuisances and prevent future similar accumulations, will receive the continued attention of the same officers.

Very respectfully, your obedient servant,

RICHARD DELAFIELD,

Brevet Major General and Chief Engineer U. S. A.

Hon. E. M. STANTON,

Secretary of War, Washington, D. C.

ENGINEER DEPARTMENT,

Washington, March 31, 1866.

GENERAL: The board of engineers constituted by Engineer Orders No. 5, dated Engineer Department, Washington, March 10, 1866, with instructions "to carry into effect the resolution of the Senate of the United States of the 7th instant, to examine the entire line of the Washington city canal, and report what immediate means, within their judgment, should be adopted for such temporary improvement thereof as will best secure the health of the residents and citizens of the national metropolis during the coming summer, and such plan for the permanent improvement and regulation thereof as will most effectually remove the existing nuisances and prevent future similar accumulations," have the honor to report that they have visited and examined the Washington city canal at the stages of high and low water, and have caused suitable measurements and soundings to be made, in order to determine the volume of the deposits that have accumulated therein.

The sources of these deposits are—

1st. The surface drainage of the city discharged by Tiber creek and the street drains;

2d. The refuse from the city sewers; and

3d. The dust blown in by the wind, and the material thrown in from boats and by people living or doing business on the banks of the canal.

The volume of the deposits above the level of nine inches below ordinary low water amounts to 26,000 cubic yards between the Eastern Branch and Tiber creek, and 117,000 cubic yards between Tiber creek and the Seventeenth street pier.

At the time the board made their examination, (about two weeks since,) no very unpleasant effluvia arose from any part of the canal, not even where the bottom was exposed; but the concurrent statements of many residents of the city show it to be highly offensive during the summer and early autumn months.

Much of the most filthy portion of the deposit comes from the sewers, and is thrown into the canal west of Sixth street. From Sixth street eastward, the sewer discharges are so mingled with the silt from Tiber creek, which largely predominate in that portion of the canal, as to render the whole mass comparatively innoxious; but from Sixth street westward, including the basin between Fifteenth and Seventeenth streets, the bottom is covered with a mass of decaying animal and vegetable matter and earth, forming a soft, slimy and offensive compound, mostly bare a great portion of the time.

The canal must eventually be cleaned out by excavating it, whether used either for sewerage, for an outlet for Tiber creek, for purposes of commerce, or for all of these objects combined; and if for the latter, or even for commercial purposes alone, the cleaning out must be frequently repeated as deposits accumulate. The amount of labor necessary to effect such excavations to a level below mean low water, precludes the possibility of its being accomplished, at a

reasonable cost, before July next, and it is thought that a due regard to the health of the city would not allow the work to be carried on during the summer months.

Some other plan for affording temporary relief must therefore be devised; and it is the opinion of the board that this can be secured by a partial excavation of the deposits from that portion of the canal between Tiber creek and Seventeenth street pier, down to a uniform level of at least one foot below mean half-tide, combined with a dike or dam at the outlet of the basin at Seventeenth street, arranged for keeping the level thus attained constantly submerged with running water, varying in depth from one to three feet, and wholly or partially changed with each rising tide. By this plan, the volume of deposits to be removed between Tiber creek and Seventeenth street will be only thirty-one thousand cubic yards. It is believed, if the work be commenced at once, that this amount can easily be taken out by the middle of next May. This material should be deposited in the Potomac at some point where it will not injure navigation or become offensive.

Between Tiber creek and the Eastern Branch the excavation should be carried to a uniform depth of at least nine inches below mean low water, in order to establish a continuous current from west to east, provide a passageway of sufficient capacity to secure the required daily change of water in the main canal, and facilitate the exit of heavy rain falls delivered by Tiber creek. These excavations, amounting to twenty-six thousand cubic yards, composed mostly of the sand and gravel brought down by the Tiber, may, with the exception of small portions taken from the mouths of drains, be safely left on the margin of the canal.

It has been proposed to use the waters of Rock creek, in connexion with a dam from Seventeenth street pier to Monument Point, to cover the filthy deposits and to produce a continuous current towards the Eastern Branch, and thus partially change the water of the canal daily. This project would doubtless be effectual during the greater portion of the year. But if the tests of the daily supply of Rock creek made by engineers be correct, it would, in the opinion of this board, be insufficient to secure with certainty the required daily change in the waters of the canal, to prevent stagnation in the hottest and most sickly season.

Hence it is deemed advisable not to rely upon Rock creek for the needed supply of water, but to introduce it from the Potomac through suitable gates in the dike. By this means a continuous current will be established towards the Eastern Branch, a large part of the water in the canal will be changed daily, and its bed, previously excavated below mean tide, will always be covered. The water of Rock creek can be used advantageously and in connexion with that of the Potomac, but it is not deemed indispensable. As it is now wasted by discharge into the river, if the proprietors of the Chesapeake and Ohio canal will grant its use free of charge, a simple arrangement of the lock-gates at Seventeenth street will render it available with little cost.

In view of the foregoing considerations, the board unanimously recommend that the canal be cleaned out to a uniform depth of at least one foot below the level of mean half tide between Seventeenth street pier and Tiber creek, and to a uniform depth of nine inches below low water between Tiber creek and the Eastern Branch; and that, simultaneously with the prosecution of this work, a dike be constructed, extending from the end of Seventeenth street pier to Monument Point. The top of this dike should be fixed, primarily, at the level of mean high tide, that height being deemed sufficient to secure the objects in view, while it will not interpose a serious obstacle to the escape of the waters of Tiber creek in times of extraordinary freshets, an escape inadequately provided for by the contracted portion of the canal leading to the Eastern Branch. The dike can be easily and quickly increased in height, should it be afterwards found necessary and admissible to do so. It should be from six to ten feet in width,

and wider across the channel way, if necessary, and constructed with piles and sheet piles on the two sides, with the space between them filled in with a puddling of clay. It should be closely planked over on the top, so as not to be injured by the flow of water over it. Water-ways, of sufficient aggregate width to insure a full rise of tide inside, should be left in the dike at the deepest water, provided with suitable tide-gates to open inwards with the rising tide and close with the ebb. These water-ways may be made to answer the purpose of a lock during the coming summer, and, therefore, should be of sufficient width to allow the usual ingress and egress of boats, and especially of such scows and steam dredging machines as may be required in prosecuting the work of future improvements on the canal. The discharge of water into the Eastern Branch, and consequently its height in the main portion of the canal, may be regulated by simply altering the capacity of the water-way at some suitable point east of Tiber creek. The contraction at New Jersey avenue may be advantageously used for such a purpose.

Ample tide-gates, to open outward with the ebb tide and close with the flood, should be placed at the débouche of the canal into the basin at the Eastern Branch, to exclude the flood waters from that end, and promote the flow in that direction.

The board briefly submit the foregoing project for the temporary abatement of the existing nuisance, without going into the elaborate details which have been developed in their calculations, and without enumerating the various data and formulas which enter as elements in the discussion of this problem. These they propose to give more fully in their plan for the permanent improvement and regulation of the canal; which, as it involves the entire question of city drainage and sewerage, as well as other considerations of a commercial and municipal character, they propose to withhold until they shall have given the subject that mature and careful study which its importance demands.

The proposed dike and tide-gates, if well constructed, will, with ordinary repairs, last for several years, and, taken in connexion with the excavations recommended by the board, may either contribute to, or in a greater or less degree form a component part of, the plan for permanent improvement which they expect to submit.

How soon it will be necessary, if at all, to construct a main sewer independent of the canal, to meet the requirements of the city in its growth and enlargement, the board are not prepared to say; but it is evident that such a sewer could not be completed during the coming summer, if commenced.

The board believe that if the temporary improvements which they suggest are carried out and faithfully maintained in their essential features, by keeping the dikes and gates in repair, and the deposits excavated to the levels recommended, that the discharge of the sewers into the canal during the coming summer will not prove injurious to the health of the city.

The board have considered sundry plans and have consulted several experienced engineers and others in relation to the subject submitted to their judgment, and have derived much valuable information from them.

An estimate of the expenditures necessary to carry out the suggestions of the board, amounting to \$75,000, accompanies this report.

If this project be adopted, it is deemed of considerable importance that the execution of it be commenced without delay.

Z. B. TOWER,

Lieut. Col. of Engineers and Brevet Brig. Gen. U. S. A.

Q. A. GILLMORE,

Major of Engineers and Brevet Maj. Gen. U. S. A.

G. K. WARREN,

Major of Engineers, &c.

Brevet Major General RICHARD DELAFIELD,

Chief of Engineers, U. S. A., Washington, D. C.

The following is the estimate submitted as the probable cost of executing the proposed plan. This estimate is larger than would be required, but for the necessity of commencing work at once without time to make the proper preparations with economy, as well as the necessity for pushing the work rapidly on in order to secure its timely completion:

1. For dam at 17th street pier to Monument Point, with tide-gates.	\$15,000 00
2. For expense of admitting waters of Rock creek.....	2,000 00
3. For tide-gates into basin at Eastern Branch.....	2,000 00
4. For excavating between 17th street and Tiber creek, 31,000 cubic yards, at \$1 per yard.....	31,000 00
5. For excavating between Tiber creek and Eastern Branch, 26,000 cubic yards, at 50 cents per yard.....	13,000 00
6. For removing deposits brought in during this year.....	5,000 00
7. For superintendency and gate tenders for one year.....	3,000 00
8. For contingencies, pay of constructing engineer, clerk, &c....	4,000 00
	75,000 00

Submitted for the board.

G. K. WARREN,
Major of Engineers, &c., &c.

The history of the United States is a subject of great interest and importance. It is a subject which has attracted the attention of the world, and which has been the subject of many books and papers. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world.

The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world.

The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world.

The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world.

The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world. The history of the United States is a subject which is of great interest to all people, and which is of great importance to the world.

LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING

In compliance with a resolution of the Senate of the 12th of March, 1866, information as to the money required for the improvement of the harbor at the mouth of Fox river, in Wisconsin.

APRIL 9, 1866.—Read, referred to the Committee on Commerce, and ordered to be printed.

WAR DEPARTMENT,
Washington City, April 6, 1866.

SIR: In compliance with the Senate's resolution of the 12th of March, 1866, requesting the Secretary of War to furnish any information in his possession as to the money required for the improvement of the harbor at the mouth of Fox river, in Wisconsin, I have the honor to transmit the chief engineer's report of April 4, 1866, on the subject.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HON. L. F. S. FOSTER,
President of the Senate.

ENGINEER DEPARTMENT,
Washington, April 4, 1866.

SIR: In obedience to resolution of the Senate of the United States of the 12th ultimo, requesting the Secretary of War to "furnish the Senate with any information in his possession as to the money required for the improvement of the harbor at the mouth of *Fox river*, in the State of Wisconsin," referred by you to this office, I beg leave to state that the harbor in question is situated at the head of Green bay, and being the point at which the trade connected with the upper portions of the State of Wisconsin naturally centres, as well as being the terminus of an important railroad communicating directly with the Mississippi river, is of much importance for the receipt and export of the produce seeking an outlet to the markets of the east or lake shores.

It is a safe and secure harbor during the prevalence of all winds and storms. The industry of the country and commerce of the lakes would be greatly promoted by securing an increased depth of water to it from Green bay.

The channel from Fox river into the bay, according to the survey of 1853, varies in depth from 9 to 11 feet over a shoal, and through a circuitous course of 2,100 yards, when it enters deeper water off Grassy Point, after which it

crosses a bar 400 yards wide, on which there is but 11 feet water. These distances being passed, there is uninterrupted navigation between the Fox river and Green bay, and thence to Lake Michigan and other lakes, with 13 feet and upwards of water.

The question arises whether the present or other channel over these shoal points can be deepened, and with a probability of continuing so, after the increased depth for navigation has been once secured.

The natural advantages of the locality are favorable for executing a permanent project by the extension of the deep channel of the Fox river into the outer harbor. The drainage of the Fox river and Lake Winnebago gives a power, from freshets, to preserve any artificial channel that may be made through and over the shoals, so long as it is confined to an uninterrupted course and uniform width. The entrance to and course of such a channel is favorably sheltered and protected from storm, waves and shifting sands by the islands and configuration of the shoals that form an extensive outer harbor, with deep water and good anchorage, giving great security to any artificial work that may be undertaken.

Following the present channel that nature seems to point out as most favorable for improvements, 107,000 cubic yards of sand will have to be excavated over the distance of 2,100 yards, and 175 yards in width, to gain 12 feet depth of channel.

This width is that of the deep water of the Fox river, and should be preserved, to guard against any change in the channel by the force of the freshets. Excavating and removing these 107,000 cubic yards of sand, and constructing barriers on each side of this artificial channel to prevent the sand from the shoals washing into the improved channel, will, there is great reason to believe, make a permanent channel of uniform depth over this shoal. The same system must then be carried into effect over the bar of 400 yards in width, which will require an additional excavation of 15,000 yards, and barriers on each side, as over the first shoal; thus making the total excavation 122,000 cubic yards, to obtain a channel the full width of the deep water of Fox river. A shorter route for a channel from the river to the bay, not exceeding 1,400 yards in length over the first shoal, and requiring an excavation of 90,000 cubic yards, may be taken. The preference given to the longest route arises from its being the one that nature now seeks; is more sheltered at each end and with deeper water along its margin, thus offering greater chances for permanency.

The cost of this improvement the department has no satisfactory means of estimating.

The cost of dredging or excavating under water on the lakes, under similar circumstances at other localities, is the only guide upon which to form a judgment of the probable cost of this improvement.

The United States in 1854 owned the dredging machinery and all necessary apparatus, and worked the same by hired labor and mechanics, under which arrangement the cost per cubic yard of excavation was $12\frac{1}{2}$ cents. At the present time we must calculate to have this work executed by contract, provided dredging machinery exists and can be employed for this work. In such case we may estimate the cost per cubic yard at the present time at 25 cents, to include every contingent connected with that part of the operations, which for the 122,000 yards may cost \$30,500. This sum is calculated to excavate a channel in width equal to the Fox river from shore to shore. It may suffice during the first year to make the excavation to the same depth, and one half the width, which will test the benefit and value of this effort to improve the harbor, and for this purpose an appropriation of \$20,000 should suffice.

Should this method of improving the harbor prove in every way advantageous, it will then be expedient to finish the excavation to the required depth, and construct barriers on each side of the channel up to the surface of the water, to prevent the sands from the adjacent shoals washing into the improved

channel. This will require an outlay of not less than \$100,000, and can only be satisfactorily projected by persons at the locality. Should the estimates of the department now before Congress be made, competent officers will be ordered to examine this locality, with a view to such further and permanent improvement as may be found practicable and expedient.

Respectfully, your obedient servant,

RICHARD DELAFIELD,

Brevet Major General and Chief Engineer U. S. Army.

Hon. E. M. STANTON,

Secretary of War.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

RECOMMENDING

An extension of the time for the completion of certain railroads in the States of Mississippi, Alabama, Arkansas, Florida and Louisiana, to aid in the construction of which lands were granted by acts of Congress.

APRIL 9, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

I transmit a communication from the Secretary of the Interior, with the accompanying papers, in reference to grants of lands made by acts of Congress passed in the years 1850, 1853 and 1856, to the States of Mississippi, Alabama, Arkansas, Florida and Louisiana, to aid in the construction of certain railroads. As these grants will expire, by limitation, on the 11th day of August, 1866, leaving the roads for whose benefit they were conferred in an unfinished condition, it is recommended that the time within which they may be completed be extended for a period of five years.

ANDREW JOHNSON.

WASHINGTON, D. C., April 7, 1866.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 7, 1866.

SIR: I have the honor to enclose two copies of a letter addressed to this department by the Commissioner of the General Land Office, on the subject of grants of land made by acts of Congress passed in the years 1850, 1853, 1856, to the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana, to aid in the construction of certain railroads. I also enclose two copies of the abstract of these several grants, prepared by the Commissioner, which grants will expire by limitation on the 11th day of August, 1866, leaving these public thoroughfares in an unfinished condition.

In view of the importance of these public works, I respectfully recommend that Congress be requested to grant an extension of the time within which they may be completed, for a period of five years.

I am, sir, with great respect, your obedient servant,

JAS. HARLAN, *Secretary.*

The PRESIDENT.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
April 3, 1866.

SIR: I have the honor, herewith, to lay before you a statement of the land concessions by acts of Congress, passed in the years 1850, 1853, and 1856, to the States of Mississippi, Alabama, Arkansas, Florida, and Louisiana, to aid in the construction of certain railroads, and indicating the quantity heretofore certified, and that falling within the scope of the original grants.

On the 11th August next *all* of these grants will have fallen under the forfeiture stipulation for non-completion within ten years. The work on each of the roads had been prosecuted to a greater or less extent, promising completion had not our domestic difficulties operated as *duress* and arrested the construction.

Under these circumstances, it is but right and proper that the period for completion should be extended for at least five years from the date of the act of extension, so as to enable the grantees to accomplish these important works, which cannot fail to add to the prosperity, not only of the several States named, but of the whole country, and the object of this is to recommend legislation to that end.

With great respect, your obedient servant,

J. M. EDMUNDS,
Commissioner.

Hon. JAMES HARLAN,
Secretary of the Interior

Statement exhibiting land concessions by acts of Congress to States for railroad purposes, from the year 1850 to August 11, 1856.

COMPLETION OF CERTAIN RAILROADS

States.	Date of laws.	Statutes.	Page.	Name of road.	Mile limits.	No. of acres certified under the grants.	Estimated quantities inuring under the grants.
Mississippi.....	Sept. 20, 1850	9	466	Mobile and Ohio River.....	6 and 15	*737, 130. 29	1, 004, 640. 00
Do.....	Aug. 11, 1856	11	30	Southern railroad.....	do.....	171, 550. 00	404, 800. 00
Do.....	do.....	11	30	Gulf and Ship Island railroad.....	do.....	.....	652, 800. 00
Alabama.....	Sept. 20, 1850	9	466	Mobile and Ohio River.....	do.....	*419, 528. 44	230, 400. 00
Do.....	May 17, 1856	11	15	Alabama and Florida.....	do.....	394, 522. 99	419, 520. 00
Do.....	do.....	11	15	Alabama and Tennessee.....	do.....	440, 700. 16	481, 720. 00
Do.....	June 3, 1856	11	17	Northeastern and Southwestern.....	do.....	289, 535. 58	691, 840. 00
Do.....	do.....	11	17	Coosa and Tennessee.....	do.....	67, 784. 46	132, 480. 00
Do.....	do.....	11	17	Wills Valley.....	do.....	171, 920. 51	206, 080. 00
Do.....	do.....	11	17	Mobile and Girard.....	do.....	504, 145. 86	840, 880. 00
Do.....	do.....	11	16	Coosa and Chattooga.....	do.....	.....	150, 000. 00
Do.....	do.....	11	32	Mobile to New Orleans, (no map filed).....	do.....	.....	.....
Arkansas.....	Aug. 11, 1856	11	155	Memphis and Little Rock.....	do.....	†127, 238. 51	438, 646. 89
Do.....	Feb. 9, 1853	10	155	Cairo and Fulton.....	do.....	†1, 115, 408. 41	1, 160, 067. 40
Do.....	do.....	10	155	Little Rock and Fort Smith.....	do.....	†550, 520. 18	550, 525. 34
Do.....	do.....	10	155	Florida railroad.....	do.....	281, 984. 17	442, 542. 14
Florida.....	May 17, 1856	11	15	Alabama and Florida.....	do.....	165, 688. 00	165, 688. 00
Do.....	do.....	11	15	Pensacola and Georgia.....	do.....	1, 275, 212. 93	1, 568, 729. 87
Do.....	do.....	11	15	Florida, Atlantic, and Gulf Central.....	do.....	37, 583. 29	183, 153. 99
Do.....	do.....	11	18	Vicksburg and Shreveport.....	do.....	353, 211. 70	610, 880. 00
Louisiana.....	June 3, 1856	11	18	New Orleans, Opelousas, and Great Western.....	do.....	719, 193. 75	967, 840. 00
Do.....	do.....	11	32	No map filed.....	do.....	.....	.....
Do.....	Aug. 11, 1856	11	32	No map filed.....	do.....	.....	.....
Total.....	.....	.....	.....	.....	.....	7, 822, 859. 73	11, 303, 433. 63

* In the adjustment of this grant the road was treated as an entirety and without reference to the State line ; hence Alabama has approved to her more, and Mississippi less, land than they would appear to be entitled in proportion to the length of road line in the respective States.
† To the area heretofore reported must be added 327,871. 10 acres, making the whole quantity certified to the State equal to 1,793,167. 10.
GENERAL LAND OFFICE, April 3, 1866.

THE COMPTON PATENT TYPE-SETTING MACHINE
IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

IT IS THE ONLY MACHINE OF THE KIND
WHICH CAN BE USED BY ONE MAN
TO SET TYPE IN A MINUTE.

LETTER
OF THE
SECRETARY OF THE TREASURY,
COMMUNICATING,

In answer to a resolution of the Senate of the 3d instant, information as to persons being permitted to enter upon the duties of office without taking the oath prescribed by act of Congress.

APRIL 13, 1866.—Laid on the table and ordered to be printed.

TREASURY DEPARTMENT, *April 11, 1866.*

SIR: In response to a resolution of the honorable Senate, passed on the 3d instant, requesting me to inform that body whether, at any time since my report of December last, any persons have been permitted to enter upon the duties of office and to receive the salary or emoluments thereof without taking the oath prescribed by act of Congress, together with other information relative to the same subject, I have the honor to transmit herewith reports from the Commissioner of Internal Revenue and the Commissioner of Customs, which furnish the desired information.

I have the honor to be, very respectfully, your obedient servant,

H. McCULLOCH,
Secretary of the Treasury.

Hon. L. F. S. FOSTER,
President pro tem. United States Senate.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, April 6, 1866.

SIR: So far as the records of this bureau show, of the oaths that have been received at this office since my report in December last, the following are the only ones in which the form prescribed by law has been modified by alterations, additions or explanations:

Frederic J. Lord, special deputy collector at Wilmington, North Carolina, adds to the prescribed oath of allegiance these word: It being understood that this oath refers only to any overt acts and not to personal opinions, feelings, or sympathy. H. D. Gilbert and Thomas M. Gardner, inspectors at Wilmington, North Carolina, add to the oath of allegiance the following words: Provided that nothing herein contained is to be construed as to refer to my feelings or sympathies, and alludes only to overt acts against the United States.

No allowance of salary or emoluments has been made where the appointees have not taken the oath prescribed by act of Congress, and it has been distinctly

stated to collectors and surveyors that the rule in this respect would be strictly enforced. From the number of the appointees in the southern States, the official oaths have not as yet been received. Their names are stated in the accompanying schedule, marked A.

Very respectfully, your obedient servant,

N. SARGENT,
Commissioner of Customs.

Hon. H. McCULLOCH,
Secretary of the Treasury.

Schedule A.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, April 6, 1866.

Official oaths have not been received from the following appointees: J. Jansen, night inspector, Galveston, Texas; Charles Jersig, messenger, Galveston, Texas; C. Ricklefsen, night watchman, Galveston, Texas; R. Smith, night inspector, Galveston, Texas; Charles M. Fennel, clerk, Pensacola, Florida; Braddock Williams, weigher and gauger, Appalachicola, Florida; C. D. Williams, clerk, Mobile, Alabama; J. O'Brien, watchman, Mobile, Alabama; W. Freas, watchman, Mobile, Alabama; J. Espala, bargeman, Mobile, Alabama; J. P. Burrill, clerk, Savannah, Georgia; C. K. Osgood, inspector, Savannah, Georgia; E. Murray, inspector, &c., Mobile, Alabama; E. Wilmot Walter, inspector, &c., Charleston, South Carolina; Isaac Hargreaves, porter, Charleston, South Carolina; Robert Edmonds, deputy collector, Tappahannock, Virginia; George Westerfield, inspector, Brownsville, Texas.

The official oaths stated in the last report to be due from Brownsville have not yet been received, though the collector has been directed to forward them.

TREASURY DEPARTMENT,
Office of Commissioner of Customs, April 10, 1866.

SIR: I find that in the case of Thomas M. Wells, special agent and acting naval officer at New Orleans, his official oath is in due form, but instead of the oath required by the act of July 2, 1862, that he took the following oath:

"I, Thomas M. Wells, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder, and that I will in like existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court, and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court: So help me God.

"THOMAS M. WELLS."

This case was overlooked when I made to you my report under date of April 6, 1866, and I therefore transmit this as a supplementary report.

Very respectfully, your obedient servant,

N. SARGENT, *Commissioner.*

Hon. H. McCULLOCH,
Secretary of the Treasury.

OFFICE OF INTERNAL REVENUE, TREASURY DEPARTMENT,
Washington, April 9, 1866.

SIR: Since my letter to you of December 18, 1865, and in reply to yours of an earlier date, no assessor or collector of internal revenue, or direct tax commissioner, for any district lately in insurrection, has entered upon the discharge of his official duties without having first taken the oath prescribed by the act of July 2, 1862, nor has any person holding such office since that date received the salary or emoluments thereof unless he had first taken such oath.

In my letter above referred to I stated that assistant assessors are appointed upon the nominations of the assessors of the several districts in which their services are to be rendered; that commissions had been forwarded to the assessors, accompanied by blank oaths, to be taken and subscribed by the assistants before receiving their commissions from the assessor; that the assessor had also been instructed to return to this office those oaths when taken and subscribed; that this practice had prevailed for a long time with reference to all the districts of the country, and that all of the oaths up to that date returned were unqualified in their form.

The number of persons for whom the commission of assistant assessor has been sent to the several assessors of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Texas, Arkansas, and Louisiana, is 459.

The number of unqualified oaths by those persons received at this office at this time is 179. The number qualified in their form, up to this time received, is 58.

The number not yet received from those who may have entered upon the discharge of their duty is 222. I send herewith copies of the qualified oaths received.

The collectors of internal revenue acting as disbursing officers have all been instructed to make no payment to any officers who have not taken the oath required by law, and it is not believed that any payments have been made to such persons since my communication on this subject in December.

With great respect, your obedient servant,

E. A. ROLLINS, *Commissioner.*

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Schedule of names of assistant assessors who have taken the oath prescribed by the act of July 2, 1862, in a qualified form.

District.	Division.	Name.	State.	Residence.
1	5	Daniel Valentine	North Carolina.....	Elizabeth City.
1	1	John C. Evans	South Carolina.....	Cheraw.
1	3	E. B. Brunson, sr.....	do.....	Darlington.
1	10	H. C. Moses	do.....	Sumter.
3	1	Jno. B. Black	do.....	Columbia.
3	2	Andrew G. Baskin.....	do.....	Do.
3	3	Bolivar J. Hayes	do.....	District of Lexington.
3	4	Godfrey Leaphart.....	do.....	Do.
3	6	Richard C. Griffin.....	do.....	District of Edgefield.
3	7	Wm. W. Adams	do.....	Edgefield.
3	8	George Allen	do.....	District of Abbeville.
3	9	John H. Marshall.....	do.....	Do.
3	10	John S. Hair	do.....	Newberry.
3	11	Benson Jones	do.....	Do.
3	12	R. W. Gaillard	do.....	Winnsboro'.
3	13	Robert Hawthorne	do.....	District of Fairfield.
3	14	T. M. Graham	do.....	Chesterville.
3	15	William Butler	do.....	District of Chester.
3	16	James M. Boyd.....	do.....	District of Laurens.
3	17	James J. Shumate	do.....	Do.
3	18	Homer L. McGowan.....	do.....	Laurens.
3	19	Thomas S. Crayton	do.....	Anderson.
3	20	William E. Walters.....	do.....	District of Anderson.
3	21	Andrew O. Norris.....	do.....	Anderson Court House.
3	22	W. E. Holcombe	do.....	Pickens Court House.
3	23	B. F. Morgan	do.....	Pickens district.
3	24	James E. Hagood	do.....	Pickens Court House.
3	25	William Goldsmith.....	do.....	District of Greenville.
3	26	Henry M. Smith.....	do.....	Do.
3	27	William T. Shumate	do.....	Greenville.
3	28	Joseph M. Elford	do.....	Spartanburg.
3	29	Landon M. Gentry.....	do.....	District of Spartanburg.
3	30	J. C. P. Jeter	do.....	District of Union.
3	31	H. F. Adickes.....	do.....	District of York.
3	32	R. M. Wallace	do.....	Do.
3	33	Walter B. Mitts.....	do.....	Yorkville.
1	1	Andrew M. Ross.....	Georgia.....	
2	4	J. H. Griffin	do.....	County of Calhoun.
2	10	A. N. Hines	do.....	County of Dougherty.
2	13	William E. Sloan	do.....	County of Houston.
2	17	Bryan B. Bower	do.....	County of Miller.
2	18	Oliver T. Bacon	do.....	County of Mitchell.
2	19	Thos. W. King.....	do.....	County of Monroe.
2	22	Michael O'Brien	do.....	County of Pulaski.
2	27	George W. Forbes	do.....	County of Talbot.
2	32	Edward Barber.....	do.....	County of Worth.
1	1	Henry T. Gaines	Alabama.....	County of Mobile.
1	3	Ishmael S. Harwell	do.....	Demopolis.
1	6	S. M. Lanier	do.....	Greenville.
1	7	Lemuel A. Callier.....	do.....	Jackson. (Resigned.)
1	8	E. M. Keils	do.....	Eufaula.
1	9	C. W. Braswell.....	do.....	County of Choctaw.
1	10	Jno. W. Leslie	do.....	Bell's Landing.
1	11	Thomas E. Randolph	do.....	Mobile.
1	12	Charles R. Warren.....	do.....	Do.
1	13	Joseph Silver.....	do.....	County of Baldwin.
1	15	Lewis J. Laird	do.....	Eufaula.
1	18	Edward Ward.....	do.....	Mobile.

I, John C. Evans, of Cheraw, district of Chesterfield, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JOHN C. EVANS.

Sworn to and subscribed before me, this 14th day of February, A. D. 1866.

JOHN A. INGLIS,

Judge of the Court of Appeals of South Carolina.

I, Ervin B. Brunson, sr., of Darlington district and State of South Carolina, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

E. B. BRUNSON, SR.

Sworn to and subscribed before me, this 15th day of March, A. D. 1866.

M. A. HUGGINS,

Magistrate, D. D.

I, H. Claremont Moses, of Sumter district, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

H. CLAREMONT MOSES.

Sworn to and subscribed before me, this 2d day of February, A. D. 1866.

M. MOSES,

*Collector United States Internal Revenue,
1st District South Carolina.*

I, John B. Black, of Columbia, district of Richland, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JOHN B. BLACK.

Sworn and subscribed before me, this 22d day of December, A. D. 1865.

D. P. McDONALD,

Magistrate.

I, Andrew G. Baskin, of Columbia, district of Richland, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

A. C. BASKINE.

Sworn and subscribed before me, this 23d day of December, A. D. 1865.

W. B. JOHNSTON,

Magistrate.

I, Bolivar J. Hayes, of the district of Lexington, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

BOLIVAR J. HAYES.

Sworn and subscribed before me, this 9th day of January, A. D. 1866.

D. B. MILLER,

C. C. P., ex officio Magistrate.

I, Godfrey Leaphart, of the district of Lexington, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

GODFREY LEAPHART.

Sworn and subscribed before me, this 15th day of January, A. D. 1866.

D. B. MILLER,

C. C. P., ex officio Magistrate, Richland district, S. C.

I, Richard C. Griffin, of the district of Edgefield, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

RICHARD C. GRIFFIN.

Sworn and subscribed before me, this 25th day of December, A. D. 1865.

CHARLES CARTER,

Notary Public, Edgefield District.

I, William W. Adams, of Edgefield, district of Edgefield, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WM. W. ADAMS.

Sworn and subscribed before me, this 12th day of January, A. D. 1866.

ANDREW RAMSAY.

Magistrate, Edgefield District.

I, George Allen, of the district of Abbeville, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

GEO. ALLEN.

Sworn and subscribed before me, this 11th day of January, A. D. 1866.

MATTHEW McDONALD,

C. C. P. and ex officio Magistrate.

I, John H. Marshall, of the district of Abbeville, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

J. H. MARSHALL.

Sworn and subscribed before me, this 29th day of December, A. D. 1865.

J. BAILEY,

Notary Public, Abbeville District.

I, John S. Hair, of Newberry, district of Newberry, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

J. S. HAIR.

Sworn and subscribed before me, this 3d day of January, A. D. 1866.

[L. S.]

BARRY J. RAMAGE,

Notary Public, Newberry District.

I, Benson Jones, of Newberry, district of Newberry, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

BENSON M. JONES.

Sworn and subscribed before me, this 3d day of January, A. D. 1866.

[L. S.]

L. J. JONES, *Notary Public*.

I, Richard W. Gaillard, of Winnsboro, district of Fairfield, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

R. W. GAILLARD.

Sworn and subscribed before me, this 15th day of January, A. D. 1866.

S. B. CLOWNEY, *C. C. P.*

I, Robert Hawthorne, of the district of Fairfield, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

ROBERT HAWTHORNE.

Sworn and subscribed before me, this 10th day of January, A. D. 1866.

S. B. CLOWNEY, *C. C. P.*

I, Thomas M. Graham, of Chesterville, district of Chester, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

T. M. GRAHAM.

Sworn and subscribed before me, this 25th day of December, A. D. 1865.

J. L. HARRIS, *Notary Public*.

I, William Butler, of the district of Chester, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WILLIAM BUTLER.

Sworn and subscribed before me, this 25th day of December, A. D. 1865.

J. B. EZELL,

Notary Public C. D., S. C.

I, James M. Boyd, of the district of Laurens, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JAMES M. BOYD.

Sworn and subscribed before me, this 23d day of December, A. D. 1865.

B. P. TODD, *Notary Public.*

I, James J. Shumate, of Laurens district, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JAMES J. SHUMATE.

Sworn and subscribed before me, this 5th day of January, A. D. 1866.

C. J. ELFORD,

Assessor 3d Collection District, S. C.

I, Homer L. McGowan, of Laurens, district of Laurens, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

HOMER L. MCGOWAN.

Sworn and subscribed before me, this 31st day of December, A. D. 1865.

J. WISTAR SIMPSON, *Notary Public.*

I, Thomas S. Crayton, of Anderson, district of Anderson, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

THOMAS S. CRAYTON.

Sworn and subscribed before me, this 28th day of December, A. D. 1865.

C. J. ELFORD,
Assessor 3d Col. Dist., S. C.

I, William E. Walters, of the district of Anderson, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WILLIAM E. WALTERS.

Sworn and subscribed before me, this 23d day of December, A. D. 1865.

JOHN C. WHITEFIELD, *M. A. D.*

I, Andrew O. Norris, of Anderson Court House, district of Anderson, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

A. O. NORRIS.

Sworn and subscribed before me, this 1st day of February, A. D. 1866.

JOHN C. WHITEFIELD, *Magistrate.*

I, Washington E. Holcombe, of Pickens Court House, district of Pickens, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WASHINGTON E. HOLCOMBE.

Sworn to and subscribed before me, this 25th day of December, A. D. 1865.

J. E. HAGOOD, *C. C. P. and G. S.*

I, Benjamin F. Morgan, of Pickens district, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support

and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

B. F. MORGAN.

Sworn to and subscribed before me, this 29th day of December, A. D. 1865.

C. J. ELFORD,

Assessor 3d Col. Dist., S. C.

I, James E. Hagood, of Pickens Court House, county of Pickens, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JAMES E. HAGOOD.

Sworn to and subscribed before me, this 25th day of December, A. D. 1865.

W. E. HOLCOMBE,

Ordering P. D.

I, William Goldsmith, of the district of Greenville, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WM. GOLDSMITH.

Sworn and subscribed before me, this 27th day of December, A. D. 1865.

C. J. ELFORD,

Assessor 3d Col. Dist., S. C.

I, Henry M. Smith, of the district of Greenville, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

HENRY M. SMITH.

Sworn and subscribed before me, this 28th day of December, A. D. 1865.

C. J. ELFORD,

Assessor 3d Col. Dist., S. C.

I, William T. Shumate, of Greenville, district of Greenville, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

W. T. SHUMATE.

Sworn and subscribed before me, this 30th day of December, A. D. 1865.

C. J. ELFORD,
Assessor 3d Col. Dist., S. C.

I, Joseph M. Elford, of Spartanburg, district of Spartanburg, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

J. M. ELFORD.

Sworn and subscribed before me, this 30th day of December, A. D. 1865.

GEO. W. H. LEGG, *Magistrate.*

I, Landon M. Gentry, of the district of Spartanburg, and State of South Carolina, having been appointed assistant assessor for the 29th division of 3d collection district, South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

L. M. GENTRY.

Sworn and subscribed before me, this 10th day of March, A. D. 1866.

J. M. ELFORD, *Magistrate.*

I, John C. P. Jeter, of the district of Union, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

J. C. P. JETER.

Sworn and subscribed before me, this 31st day of December, A. D. 1865.

JAS. B. STEEDMAN,
Magistrate, Union District.

I, Henry F. Adickes, of the district of York, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

HENNING FREDERICK ADICKES.

Sworn and subscribed before me, this 28th day of December, A. D. 1865.

G. W. WILLIAMS, *Notary Public*.

I, Robert M. Wallace, of the district of York, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

ROBERT M. WALLACE.

Sworn and subscribed before me, this 30th day of December, A. D. 1865.

G. W. WILLIAMS, *Notary Public*.

I, Walter B. Metts, of Yorkville, district of York, and State of South Carolina, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

WALTER B. METTS.

Sworn and subscribed before me, this 28th day of December, A. D. 1865.

G. W. WILLIAMS, *Notary Public*.

I, Andrew M. Ross, of ———, county of ———, and State of ———, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

ANDREW M. ROSS.

Sworn and subscribed before me, this 13th day of October, A. D. 1865.

A. N. WILSON,

Collector 1st District, Georgia.

I, Jesse H. Griffin, of the county of Calhoun, and State of Georgia, do solemnly swear that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JESSE H. GRIFFIN.

Sworn to and subscribed before me, this 1st day of December, A. D. 1865.

PHILIP P. CLAYTON, J. P.

I, Alfred N. Hines, of the county of Dougherty, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof, except as a private soldier and lieutenant in the Confederate States army; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto, except as aforesaid; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, except as aforesaid, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto, except as aforesaid. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

A. N. HINES.

Sworn to and subscribed before me, this 6th day of January, A. D. 1866.

RICHARD HOBBS,

Notary Public, Dougherty County, Ga.

I, William E. Sloan, of the county of Houston, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely,

without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

W. E. SLOAN.

Sworn to and subscribed before me, this 8th day of November, A. D. 1865.

J. M. JORDAN, J. P.

I, Byron B. Bower, of the county of Miller, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof, except as a soldier and a captain in the Confederate States army; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto, except as aforesaid; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States, except as aforesaid; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto, except as aforesaid. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

B. B. BOWER.

Sworn to and subscribed before me, this 4th day of January, A. D. 1866.

[L. S.]

RICHARD HOBBS,

Notary Public, Dougherty County, Ga.

I, Oliver T. Bacon, of ———, county of Mitchell, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto, except serving as a private soldier after the passage of the conscript law; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

O. T. BACON.

Sworn to and subscribed before me, this 2d day of December, A. D. 1865.

G. S. JACKSON, J. P.

I, Thomas W. King, of the county of Monroe, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, except clerk of the superior court, which office I held before the war, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

T. W. KING.

Sworn to and subscribed before me, this 27th day of November, A. D. 1865.
WILLIAM T. IVEY, J. P.

I, Michael O'Brien, of Hawkinsville, county of Pulaski, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

MICHAEL O'BRIEN.

Sworn and subscribed before me, this 10th day of November, A. D. 1865.
S. F. BROWN, J. P.

I, George W. Forbes, of the county of Talbot, and State of Georgia, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto, except I had been, for eighteen years previous to the rebellion, clerk of the superior court of Talbot county, Georgia, and was elected, contrary to my wishes, after the expiration of that time, which was the first of 1862; I never bore arms against the United States, but opposed secession with all the influence I could exert; but after the war had commenced, I could not

do less than sympathize with my friends and relatives who were engaged in the rebellion, believing that if they were not successful we were ruined. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

GEORGE W. FORBES.

Sworn to and subscribed before me, this 29th day of December, A. D. 1865.

EDMUND H. WORRILL, J. S. C. C. C.

I, E. Barber, of the county of Worth, and State of Georgia, do solemnly swear, that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto, save as a private citizen; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States, save as judge of inferior court and postmaster, assessor and collector; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto, save as aforesaid. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

E. BARBER.

Sworn to and subscribed before me, this 11th day of January, A. D. 1866.

R. K. HINES,

Notary Public D. C., Ga.

I, Henry T. Gaines, of the county of Mobile, and State of Alabama, do solemnly swear, that I have never voluntarily borne arms against the United States since I have been a citizen thereof; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

HENRY T. GAINES.

Sworn to and subscribed before me, this 13th day of December, A. D. 1865.

A. M. McDOWELL,

Assessor 1st District of Alabama.

I, Ishmael S. Harwell, of Demopolis, county of Marengo, and State of Alabama, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies,

foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

I. S. HARWELL,

Ass't Assessor 3d Div. 1st Collection District of Ala.

Sworn to and subscribed before me, this 25th day of January, A. D. 1866.

W. W. DUGGER,

Notary Public.

I, S. M. Lanier, assistant assessor of Greenville, county of Butler, and State of Alabama, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

S. M. LANIER,

Assistant Assessor Internal Revenue.

Sworn to and subscribed before me, this 15th day of December, A. D. 1865.

D. N. SANDERS, JR.,

Deputy Collector 6th Div. 1st Dist. Alabama.

I, Lemuel A. Callier, of Jackson, county of Clarke, and State of Alabama, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

L. A. CALLIER.

Sworn to and subscribed before me, this 1st day of February, A. D. 1866.

D. JAMES,

Judge of Probate, Washington County, Ala.

I, E. M. Keils, of Eufaula, county of Barbour, and State of Alabama, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take

this obligation freely, without any mental reservatio nor purpose of evasion ; and that I will well and faithfully discharge the duties of the office on which I am about to enter : So help me God.

E. M. KEILS.

Sworn to and subscribed before me, this 5th day of February, A. D. 1866.

JNO. M. MCKLEROY,
Notary Public.

I, C. W. Braswell, of the county of Choctaw, and State of Alabama, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter : So help me God.

C. W. BRASWELL.

Sworn to and subscribed before me, this 30th day of January, A. D. 1866.

W. BAILEY,
Judge of Probate.

I, John W. Leslie, of Bell's Landing, county of Monroe, and State of Alabama, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; and I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JNO. W. LESLIE.

Sworn to and subscribed before me, this 12th day of February, A. D. 1866.

F. W. KELLOGG, *Collector.*

I, Thomas E. Randolph, of the city of Mobile, county of Mobile, and State of Alabama, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter : So help me God.

THOMAS E. RANDOLPH.

Sworn to and subscribed before me, this 26th day of January, A. D. 1866.

WILLNER BROOKS.

I, Charles R. Warren, of Mobile, county of Mobile, and State of Alabama, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I

take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

CHARLES R. WARREN.

Sworn to and subscribed before me, this 27th day of January, A. D. 1866.

WILLIAM BROOKS,
Notary Public.

I, Joseph Silver, of ———, county of Baldwin, and State of Alabama, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

JOSEPH SILVER.

Sworn and subscribed before me, this first day of February, A. D. 1866.

C. W. WILKINS,
Judge Probate.

I, Lewis J. Laird, of Eufaula, county of Barbour, and State of Alabama, solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

LEWIS J. LAIRD.

Sworn to and subscribed before me, this 5th day of February, A. D. 1866.

JNO. M. MCKLEROY,
Notary Public.

I, Edward Ward, of the city of Mobile, county of Mobile, and State of Alabama, having been appointed assistant assessor for the first district of Alabama, do solemnly swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

EDWARD WARD.

Sworn to and subscribed before me, this 19th day of February, A. D. 1866.

F. W. KELLOGG,
Collector.

ELIZABETH CITY, N. C.,
September 12, 1865.

I, Daniel Valentine, of the State of North Carolina, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States, and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves: So help me God.

DANIEL VALENTINE.

Sworn and subscribed to this day, before me, 12th September, 1865.

W. H. CLARK, JR.,
Magistrate of the State of North Carolina.

The first of these is the fact that the United States is a young nation, and that its history is a history of growth and expansion. The second is the fact that the United States is a nation of immigrants, and that its history is a history of the struggle for assimilation and the creation of a new American identity. The third is the fact that the United States is a nation of diverse peoples, and that its history is a history of the struggle for equality and the recognition of the rights of all citizens.

The fourth is the fact that the United States is a nation of ideas, and that its history is a history of the struggle for the realization of the American dream. The fifth is the fact that the United States is a nation of power, and that its history is a history of the struggle for the maintenance of the balance of power in the world.

The sixth is the fact that the United States is a nation of progress, and that its history is a history of the struggle for the advancement of the human race.

The seventh is the fact that the United States is a nation of hope, and that its history is a history of the struggle for the achievement of the goals of the future.

The eighth is the fact that the United States is a nation of faith, and that its history is a history of the struggle for the preservation of the values of the American people.

The ninth is the fact that the United States is a nation of love, and that its history is a history of the struggle for the creation of a more perfect union.

The tenth is the fact that the United States is a nation of peace, and that its history is a history of the struggle for the maintenance of the peace in the world.

MESSAGE

TO THE SENATE OF THE UNITED STATES

DELIVERED BY THE PRESIDENT

IN RESPONSE TO A RESOLUTION OF THE SENATE PASSED JANUARY 17, 1906

BY THE PRESIDENT OF THE UNITED STATES

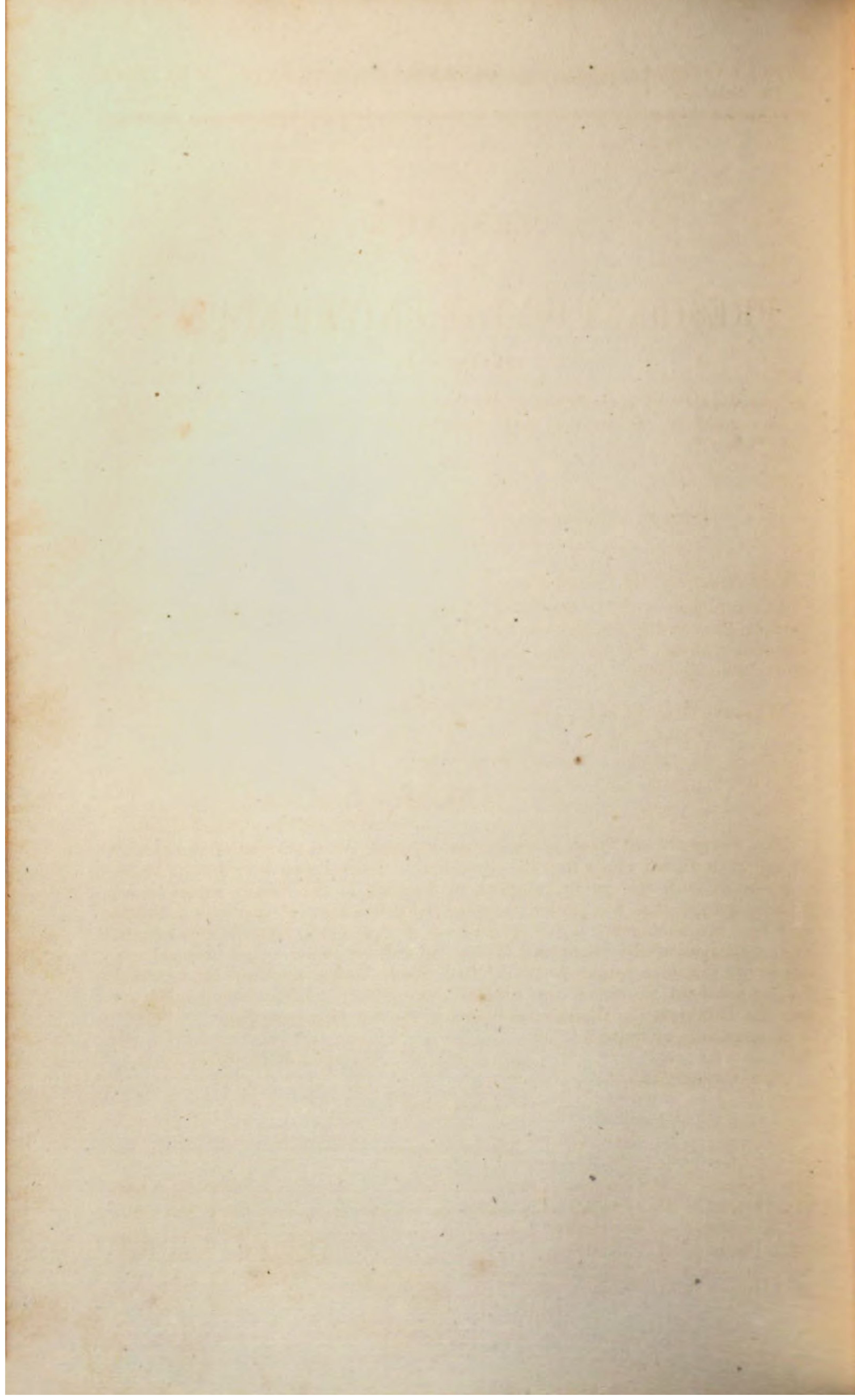
TO THE SENATE OF THE UNITED STATES

IN RESPONSE TO A RESOLUTION OF THE SENATE PASSED JANUARY 17, 1906

WASHINGTON, JANUARY 17, 1906

The President of the United States has the honor to acknowledge the receipt of the Senate's resolution of January 17, 1906, and to inform the Senate that the President has taken the necessary steps to comply with the same.

The President has the honor to inform the Senate that the necessary steps have been taken to comply with the Senate's resolution of January 17, 1906.



MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING

In compliance with a resolution of the Senate of the 27th of March, information in regard to the seizure and detention at New York of the steamship "Meteor."

APRIL 13, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 27th ultimo, in relation to the seizure and detention at New York of the steamship "Meteor," I herewith transmit a report from the Secretary of State and the papers by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, April 11, 1866.

DEPARTMENT OF STATE,

Washington, April 3, 1866.

The Secretary of State, to whom was referred the resolution of the Senate of the 27th ultimo, requesting the President, "if not deemed by him to be incompatible with the public interests, to transmit to the Senate copies of all correspondence that has passed between the government of the United States and the representatives of the government of Spain in relation to the seizure and detention of the steamship Meteor, as well as copies of all instructions issued on the same subject to the United States district attorney and marshal for the southern district of the State of New York," has the honor to lay before the President the papers enumerated in the accompanying list.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

Mr. Tassara to Mr. Hunter.....	Jan'y 24, 1866.
Mr. Hunter to Mr. Tassara	Jan'y 24, 1866.
Mr. Dickinson to Mr. Hunter	Jan'y 24, 1866.
Mr. Hunter to Mr. Dickinson	Jan'y 25, 1866.
Mr. Tassara to Mr. Hunter	Jan'y 25, 1866.
Mr. Hunter to Mr. Tassara	Jan'y 27, 1866.

Mr. Tassara to Mr. Hunter	Jan'y 28, 1866.
Mr. Dickinson to Mr. Seward	Feb'y 5, 1866.
Mr. Tassara to Mr. Seward	Feb'y 7, 1866.
Mr. Seward to Mr. Tassara	Feb'y 8, 1866.
Mr. Seward to Mr. Dickinson	Feb'y 8, 1866.
Mr. Seward to Mr. Dickinson	Feb'y 21, 1866.
Mr. Seward to Mr. Dickinson	Feb'y 27, 1866.
Mr. Dickinson to Mr. Seward	March 1, 1866.
Mr. Holt to Mr. Seward	March 8, 1866.
Mr. Tassara to Mr. Seward	March 10, 1866.
Mr. Tassara to Mr. Seward	March 10, 1866.
Mr. Seward to Mr. Dickinson	March 10, 1866.
Mr. Seward to Mr. Evarts	March 11, 1866.
Mr. Seward to Mr. Dickinson	March 12, 1866.
Mr. Dickinson to Mr. Seward	March 24, 1896.
Mr. Evarts to Mr. Seward, (with an accompaniment)	March 24, 1866.
Mr. Seward to Mr. Dickinson	March 27, 1866.
Mr. Seward to Mr. Evarts	March 27, 1866.
Mr. Dickinson to Mr. Seward	March 28, 1866.
Mr. Evarts to Mr. Seward	March 28, 1866.
Mr. Seward to Mr. Speed	March 30, 1866.
Mr. Speed to Mr. Seward	March 30, 1866.

Mr. Tassara to Mr. Hunter.

[Translation.]

No. —.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, January 24, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has had the honor to receive the note which, under the date of the 17th instant, the honorable Secretary of State *ad interim* was pleased to address to him, in answer to that of the 9th from this legation, upon the serious indications which existed that citizens of this country were violating the neutrality which the government of the United States had deemed proper to declare in the war between Spain and Chili, not doubting that necessary measures will have been taken to assure the obedience of such neutrality.

On acknowledging the receipt of said note, and as another proof of the ground for his suspicions, the undersigned must bring to the knowledge of the honorable Secretary of State that, according to news he has just received yesterday, and in virtue of a charge made by the consul of Spain, there was detained at New York the steamer Meteor, built some time since, as is public and notorious, for the express purpose of pursuing the Alabama, it not being to be doubted that the detention will be definitive by force of the evidence which exists that the Meteor was destined to cruise against Spain.

The undersigned avails of this occasion to reiterate to the honorable Secretary State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

HON. WILLIAM HUNTER,

Secretary of State of the United States ad interim.

Mr. Hunter to Mr. Tassara.

DEPARTMENT OF STATE,

Washington, January 24, 1866.

The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of Mr. Tassara's note of this date, and to state, in reply, that the subject to which it relates shall have immediate attention.

The undersigned offers to Mr. Tassara on this occasion assurances of his highest consideration.

WILLIAM HUNTER.

To Señor DON GABRIEL GARCIA Y TASSARA, &c.

Mr. Dickinson to Mr. Hunter.

OFFICE U. S. MILITARY TELEGRAPH, WAR DEPARTMENT.

The following telegram received at Washington, (4.15 p. m.,) January 24, 1866, from New York, January 24, 1866 :

WM. HUNTER, Esq., *Acting Secretary of State :*

SIR : Upon information and evidence furnished by the Spanish consul that the ship Meteor is being fitted out and about to sail from this port, with intent that she should be employed or cruise in the service of Chile against the commerce of Spain, I have caused her to be libelled and detained. Has the Department of State any suggestions or instructions ?

D. S. DICKINSON,
United States District Attorney.

Mr. Hunter to Mr. Dickinson.

D. S. DICKINSON, *U. S. Attorney, New York :*

Your telegram of yesterday reached here too late in the evening to be then answered. At present, no suggestions or instructions from the department relative to the case of the Meteor are deemed necessary.

W. HUNTER.

JANUARY 25, 1866.

Mr. Tassara to Mr. Hunter.

[Translation.]

No. 7.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, January 25, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, must again call the attention of the honorable Secretary of State *ad interim* to the affair of the steamer Meteor, of which he spoke in his note of yesterday, with so much the more urgency as the efforts are the more notorious which, precisely in the ratio of the general conviction which exists as to the destination of the Meteor and her definitive detention, are being made to draw from the government of the United States a resolution contrary to the laws of neutrality.

As must be known to the honorable Secretary of State *ad interim*, the Meteor, being detained at the instance of the Spanish consul, by the district court in New York, the case has been communicated to the department.

The advices which this legation have had to this time, and which, probably,

will be corroborated and amplified by others of the same nature, are that the Meteor was expressly built by subscriptions, made principally in Boston, to pursue and capture the Alabama, combining all the conditions of speed and strength necessary for that purpose, and being intended to carry three guns, with a calibre of 60 pounds, at the side, 100 at the prow, and another of 300 at the stern; that, the southern war being ended, it was intended to sell her to the government of the United States, and even to some foreign governments, always on the belief that she might be considered a formidable war vessel, and yet pass, to experienced eyes even, as a real merchant ship; that the agents of Chile having entered into treaty for her two months ago, the negotiation was ultimately closed in consequence of the arrival of a new Chilean agent, by the steamer of the 12th from Panama, with the necessary funds for the purchase; that the plan was, when once out of the country, with papers for Panama, under the flag and with a crew in part American, to take in artillery, complete her crew, and change her flag at a neighboring port, thence proceeding at once to operations not only against merchant vessels, but also against the naval force of Spain; that among various circumstances, which, even without these antecedents, would have been sufficient to render her suspicious at this late day, was that of her having secretly, and at night, taken in her supply of coal, there not being in her, besides what might be deemed necessary, any supply; and it being worthy of special attention, as one of the most serious indications, that there was no sign of any cargo for any kind of trade; and, in fine—and it is not the least essential—at the time of her detention there was on board Captain William Rebollido, commander of the Chilean corvette Esmeralde, who came expressly to take command by the last steamer, there existing an affidavit of an officer of the United States navy that it was he who was to command the vessel *ad interim*, and who confirms that fact by his testimony.

These circumstances, without speaking of others which the New York press mentions, but which do not appear in proof at this legation, are, in the judgment of the undersigned, sufficient to constitute one of the plainest cases to which section 3 of the statute of neutrality of 1818 literally refers, to wit, the case of a vessel which *prepares* and arms, or attempts to fit out and arm, or procure to be fitted out and armed, with the intent of being employed in the service of a belligerent power with which the United States are at peace, as actually happened with Spain, in the hostilities she has been obliged to recur to against Chile and such being the case, the vessel ought to be confiscated and the persons connected with her punished by fine and imprisonment, according to circumstances.

If the act of the United States had no existence, the prescriptions of international law would always be existent for the purpose of giving it effect and supplying its place. Far from being so, the said law, for the purpose of making more effective the execution of the prohibitions and penalties established by it, authorizes the President of the United States to detain the ship which may be in such condition, and to use, if needful for that purpose, the land and naval forces and the militia of the United States.

It seems, however, that in view of the tenor of these definitive clauses in the act of neutrality, the efforts of the Chilean agents are now directed to having the case of the Meteor decided in conformity with section 10 of the same act of neutrality, permitting them to give security, more or less considerable, and to depart with their vessel from the territory of the United States. Very well; but the honorable Secretary of State will very well understand that said section 10 is merely a general measure of precaution in respect of any armed vessels belonging to citizens of this country, which have to sail from its ports in time of war between two powers in friendship with the United States. This measure does not suppose either a charge, or suspicion even, against the owners of the vessel, who, notwithstanding, are obliged to give security that they will observe the national neutrality. Therefore, very illy could reference be had to it of the case

of a vessel like the Meteor, against which there exists much more than suspicion ; which belongs, therefore, to a different category, and in respect to which there does not exist, nor can exist, any provisions in virtue of which she can be allowed to sail from these ports on condition of giving security.

The case assumes much more gravity when it is considered that, in accordance with report believed in New York, the true purpose is to give effect to the original plan, not fearing to break openly the very regulations which are invoked, and according to the text of which the purport of the security is no other than that the bonded vessel be not employed by her owners to cruise or act hostilely towards the subjects, citizens, or property of any prince or foreign state with whom the United States are in peace. It would, in effect, be in view, according to the indications referred to, to forfeit the security as an expenditure the more on the expedition, and always to arm vessels in like condition outside of the North American jurisdiction. In this way the good faith of the government of the United States would be mocked, and the act of neutrality of the United States would be converted into an instrument for a deep enterprise, essentially contrary to the object which the law-makers had in mind.

The undersigned does not venture to suppose this, and protests, on his part, against the whole gratuitous supposition ; but his duty compels him to say what is clearly understood by the very notices which are published on the matter, and to forewarn the honorable Secretary of State *ad interim* against eventualities which are represented as possible. It would not suffice—no, neither in this case, nor even in any case less grave—to take a security which it would be from the beginning intending to forfeit, and to proceed subsequently as if nothing more were involved than a sum of money. Neither the letter, nor spirit, nor construction of a law can be at any time so contrary to the principle which dictated it, and the act of neutrality could not have been framed to authorize the breaking of its purport. The security is not in any case more than a caution to hinder a transgression, and its forfeiture by the commission of the transgression does not exonerate from the penalties that are applicable to the transgression itself. So, therefore, if the Meteor should depart from the port under security, and at once be armed as a cruiser, irrespectively of the sum which may have been deposited, her owners would be liable to trial in the courts of this country. The Chilean government, from the moment she hoisted its flag, would also be responsible to the government of the United States, and the government of the United States would become responsible, in turn, to the government of Spain. Meantime, notwithstanding a violation of the law of nations of the greatest transcendence would have been committed, and such considerations as these are what the legislature had in view when authority was vested in the President to supplement the jurisdiction of the courts, by requiring, in such case, greater guarantees than the bond to prevent the neutrality of the government from being scandalously violated through the bad faith of belligerent agents.

The undersigned, nevertheless, cannot admit the possibility that the Meteor should in any view of the case go forth from New York.

To the facts alleged, another is alleged which is of great weight, to wit, the notorious existence of a very real conspiracy against Spain, which shows itself in New York, a conspiracy at the head of which are Chilean agents, who say they are invested with official character and accredited near this government ; a conspiracy the public demonstrations of which have been such as to permit no doubt of their secret operations ; a conspiracy, in fine, to which the undersigned calls the attention of the government with the more confidence as the good faith of Spain towards the United States during the late war in the observance of the duties of neutrality becomes better known. If, in fine, more reasons are needful, it would be easy to find them in documents recently published by the Department of State, and which determine the jurisprudence of the government of the United States upon the matter.

Hoping, then, that on this occasion it will not be wanting to the laws of a neutrality whose loyal fulfilment the Spanish government has hastened to recognize in this government from the outset in the question of Chile, the undersigned avails of the occasion to reiterate to the honorable Secretary of State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. WILLIAM HUNTER,
Secretary of the United States ad interim.

Mr. Hunter to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, January 27, 1866.

The undersigned, acting Secretary of State of the United States, has the honor to acknowledge the receipt of the note addressed to him by Mr. Tassara on the 25th instant, and to state in reply that the subject to which it relates (the affair of the steamer Meteor, at New York) shall have proper attention.

The undersigned offers to Mr. Tassara renewed assurances of his highest consideration.

W. HUNTER.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Tassara to Mr. Hunter.

[Translation.]

No. 8.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 28, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has had the honor to receive the notes of the 24th and 27th from the department, in answer to his of the 24th and 25th, about the detention of the Meteor.

The honorable Secretary of State *ad interim* replies in both that prompt attention will be given to the affair, and the undersigned hopes this may be done with the urgency which the case requires. At the same time, and referring to his previous note of the 9th, about what was said in *The World* of the 6th, of the departure of two vessels armed with torpedoes for Chile, the undersigned feels bound again to call the attention of the department to a correspondence dated at New York the 30th December, and published in the *Herald*, from London, and which has been copied in the papers of this country, referring pointedly to the same facts which had already been published in *The World*.

It is hard upon the undersigned to be obliged to dwell upon such suppositions, and he now repeats his security in respect of the high responsibilities which, calumniously no doubt, are compromised by them. Whatever may be the origin of them, notwithstanding, and strange as may be to the government of the United States acts like these mentioned, their transcendence is so much the greater when, in many minds, they are mixed up with facts such as the explosion at Taboga, and prove more and more the movements of the conspiracy which, under the shade of neutrality, exists in this country to violate that very neutrality adversely to Spain. In face of such facts, the government of the United States cannot remain indifferent; and supposing orders, which doubtless have been given on these matters, and the investigations which have been made

into them, the undersigned can do no less than call the attention of the department to the necessity of disavowing, in some manner, the opinion that the neutrality of the United States can publicly and with impunity be violated by preventing, among other things floating about without correction, notices such as that which assumes the possibility that vessels of the navy, the ram Dunderberg, which is still in the hands of its builder, Mr. Webb, may be sold to the agents of the Chilean government.

The undersigned avails of this occasion to reiterate to the Secretary of State *ad interim* the assurance of his highest consideration.

GABRIEL G. TASSARA.

HON. SECRETARY OF STATE

OF THE UNITED STATES *ad interim*.

Mr. Dickinson to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE U. S.

FOR THE SOUTHERN DISTRICT OF NEW YORK,

New York, February 5, 1866.

SIR: In further reply to your communication of the 31st ultimo, the reception of which I acknowledged on Friday last, I have to say that, on the 23d ultimo the acting Spanish consul at this port presented to me an affidavit and complaint, a copy of which is herewith submitted, marked "Exhibit A." I had, prior to that time, received information in respect to the Meteor, similar in purport and effect to that contained in the affidavit of the consul. Upon receiving from the consul of a friendly power a communication so formal and serious as the one referred to, I deemed it my duty to take immediate steps to prevent the contemplated infraction of our neutrality law, and ascertained that the vessel referred to had steam up and was about to depart out of the jurisdiction of the United States. It seemed to me, therefore, proper that a libel, *in brief*, be filed, and process of court procured thereon, sufficient to arrest the inculpatd vessel; and action to that effect was immediately taken. This happened on Tuesday, the 23d ultimo, and on the same day, after the steamer was detained, I was waited upon by ex-Governor Andrew, of Massachusetts, and Joseph H. Choate, esq., of this city, as attorneys for Messrs. J. M. Forbes & Co., of Boston, accompanied by Mr. Cary, of the firm of Cary & Co., of this city, who asserted that the firm of Forbes & Co. were the owners of the Meteor. Conversation was had between these parties and myself in respect to the detention of the steamer, and the former objected that the libel *in brief*, which had been hastily filed in the office of the clerk of the district court, was not sufficiently specific. I replied that an amended libel was then being prepared and would be ready by noon the next day; whereupon, the interview was adjourned until that hour. On Wednesday, Mr. Forbes, one of the owners of the steamer, Mr. Cary, one of the firm of Cary & Co., of this city, ex-Governor Andrew, of Massachusetts, Hon. William M. Evarts, and his law partner, Joseph H. Choate, esq., appeared for the owners, having on the preceding day expressed willingness and desire to hear any statement from the owners of the arrested ship which would justify me in releasing the seizure. I confidently expected that some facts would be offered to that end, but neither owner nor counsel presented anything in that direction, except the assertion (unsupported by proof) that the contemplated voyage was legitimate and legal. No explanation was made of the suspicious circumstance of a ship constructed for belligerent purposes, and freighted, according to the manifest, with nothing but coal and an

immense quantity of stores, provided with a large crew, being cleared for Panama, and no suggestion was made explaining evidence, then in my hands, in respect to negotiations which had been carried on by Messrs. Forbes and Mr. Cary with Chilean agents in this city, to transfer said steamer to them. After some general conversation, I informed the parties before me that my purpose was fixed to hold the steamer for trial in court, and if either of the gentlemen before me were in my position, as law officers of the government, and with the facts before them which were in my possession, they would, in my judgment, take a similar course. The interview ended here, and since then no parties representing the steamer have called on me.

The Meteor was built in Portsmouth, New Hampshire, by Messrs. Forbes, of Boston, and a few other persons, in 1864, to cruise after the British pirates, and it was expected by her owners that she would be purchased by the United States had not Fort Fisher fallen just as it did. Since she was launched she has been three trips south with troops. She was designed to carry one heavy pivot amid-ships on gun-deck, or two 10 inch or other guns at the same point, namely, just before the mainmast. Forward of this are four ports, (two on each side,) where 8 or 9-inch Dahlgrens would have been mounted had she been taken by the United States. Abreast of the engine hatch aft are two ports on each side, where she could have mounted short 32 or 24-pounder howitzers; and on upper deck there are beds for two 30-pounder Parrots; making one pivot, one 11-inch, or two 10-inch, four broadside of 8 or 9-inch, 4 howitzers on gun-deck, and two light chase guns on upper deck. Her model and motive power make the Meteor a first-class vessel-of-war, but next to useless for purely commercial purposes.

Her first ship's papers taken out by her under the laws of the United States are an enrolment and coasting license, both issued at Boston, December 6, 1864, when Robert B. Forbes made oath that he owned one half and John M. Forbes the other half; and on the back of the enrolment is a certificate by Collector Goodrich, dated December 7, 1864, in these words:

The Meteor having been built for sale to government, and about to undergo an inspection for acceptance, this enrolment has been issued without inspection certificate from steamboat inspector for purpose of such government inspection and acceptance.

J. Z. GOODRICH, *Collector.*

BOSTON, *December 7, 1864.*

The first register was issued to the Meteor at this port on Monday, the 22d ultimo, the day before she was detained by me, although, for some reason, the document is *dated* three months prior.

The clearance of the steamer, presented at the custom-house by Captain Kemble the day before her detention, declares that she has nothing on board but fuel and stores, a circumstance certainly suspicious in a steamer going to Panama on a commercial voyage.

It is proper for me to say, at this point, that I was confirmed in my determination to hold the steamer for trial in court by the opinion of Marshal Murray, who had some days before called upon Mr. Protestad, secretary of the Spanish legation in Washington, in respect to the Meteor, and through his detectives had become satisfied that the suspicions of the Spanish authorities in respect to her were well founded.

It would be extremely inconvenient, and a violation of personal assurances given to parties, who are unwilling to publicly appear in the case till called by order of the court, to give the names of all who have aided me in obtaining evidence in respect to the inculpatcd steamer. I shall be able, however, on the

trial, unless I am grossly misled and open perjury has been committed, to establish that Messrs. Forbes & Co. had direct contract and negotiations with agents of the Chilean government, in respect to purchase of the Meteor; that Mr. Cary was, in addition, made by letter the agent in New York of the owners to sell the steamer to Chile; and that numerous conferences were had between Mr. Cary and agents of Chile about place, mode, and manner of payment. I shall prove that the Chilean consul at this port was promoting and carrying on these negotiations, and was contracting for armament to put in the Meteor, and I have good reason to believe that on Saturday before the steamer was detained, the consul wrote a letter to Mr. McKenna, confidential agent of Chile, cautioning him to be more circumspect, and describing the Meteor as a second Alabama. I am in communication with officers of the government, who say they will at the trial confirm the information in my possession, and furnish evidence in respect to the place where the Meteor was to receive her armament; who was to command her when a Chilean privateer; the price he was to receive; and that Forbes was knowing to the illegal use to which she was to be put.

In respect to other illegal operations in this city of Chilean agents, I have also very complete evidence. It would be prejudicial to the public interest if the facts were now noised about, but I would say to you, privately, that I have in my possession the original contract, authenticated by the Chilean consul, under the seal of his office, made by Mr. McKenna with parties in this city, to prepare and fit out in this port torpedo boats to destroy Spanish public armed ships at the following prices: The Numancia, \$1,000,000; the Villa de Madrid, \$600,000; the Resolucion, \$400,000; the Blanca, \$400,000; the Beranguela, \$400,000; the Marquis de la Victoria, \$200,000; the Cervadowza, \$150,000.

I desire to state that, immediately on detention of the Meteor by process of the court, I telegraphed to the Department of State, announcing my action, and asking for instructions, if any, which the department might have to give, and the next day received reply that "at present no suggestions or instructions from this department, relative to the case of the Meteor, are deemed necessary."

Since then I have proceeded carefully but firmly to ascertain and punish offenders against our municipal laws, to repress all acts of individual persons, whether foreign agents or not, which may contravene the policy or infringe the territorial sovereignty of the nation, and to preserve the President in an attitude of strict neutrality as between the warring governments of Spain and Chile, with both of which the United States are on terms of amity and peace.

Trusting that my action will meet your approbation, I have the honor to be, sir, with great respect, your obedient servant,

D. S. DICKINSON,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

CONSULADO DE ESPAÑA EN NUEVA YORK.

To the honorable Samuel R. Betts, Judge of the District Court of the United States for the Southern District of New York, and the honorable Daniel S. Dickinson, United States District Attorney:

The undersigned, acting consul at the port of New York of her Majesty the Queen of Spain, being duly sworn, doth depose and complain before your honor that a certain steam vessel, called the Meteor, now in the harbor of New York, has been and is now being fitted out in the port of New York, with intent that the said steamship shall, in violation of the provisions of an act of the Congress of the United States, in such case made and provided, be employed in the service of the government of Chile, to cruise and commit hostilities against the

subjects of her Majesty the Queen of Spain, a government with whom the United States are at peace.

And this deponent further complains that the said Meteor is of a build to especially adapt her to be used as a belligerent cruiser, as aforesaid, and that she intends, forthwith, to depart from the jurisdiction of your honor, to commit hostilities as aforesaid.

Wherefore the undersigned respectfully prays that your honor will be graciously pleased to issue his mandate to the marshal of the United States to seize said steam vessel, and restrain her departure, and do such other things in respect thereto as to your honor may appear just and proper.

Dated New York, January 23, 1866.

LOUIS LOPEZ DE ARCE Y NOEL,
Acting Spanish Consul.

Sworn to before me this 23d day of January, 1866.

JOHN A. OSBORN,
Commissioner.

The libel of information.

The libel of information of Daniel S. Dickinson, attorney of the United States for the southern district of New York, who prosecutes for the said United States in this behalf, and being present here in court in his own proper person, in the name and on behalf of the said United States, against the steamship Meteor, her tackle, apparel and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, in a cause of seizure and forfeiture, alleges as follows:

1. That the said steamship or vessel Meteor is now lying in the port of New York, on waters navigable from the sea by vessels of the burden of ten tons and upwards, within the southern district of New York, and within the jurisdiction of this court, and is ready to sail for certain places to the attorney of the United States unknown, with intent to cruise and commit hostilities in the service of the government of Chile, against the subjects, citizens and property of the government of her Majesty the Queen of Spain, with whom the United States are at peace.

2. That the said steamship or vessel Meteor has, on the 23d day of January, 1866, within the limits of the United States, to wit: at the southern district of New York aforesaid, been fitted out and armed by certain persons, to the said attorney unknown, with intent that such steamship or vessel should be employed in the service of the agents of the government of Chile, to commit hostilities against the subjects, citizens and property of the aforesaid government of Spain, with which the United States then were and now are at peace, as aforesaid.

3. That the said steamship or vessel Meteor has, on the 23d day of January, 1866, within the limits of the United States, to wit: at the southern district of New York aforesaid, been fitted out by certain persons, to the said attorney unknown, with intent that such steamship or vessel should be employed in the service of some persons to the said attorney unknown, to commit hostilities against the subjects, citizens and property of the said government of Spain, with which the United States then were and now are at peace, as aforesaid.

4. That the said steamship or vessel Meteor has, on the day and year aforesaid, and place aforesaid, and within the limits of the United States, as aforesaid, been attempted to be fitted out by certain persons to the said attorney unknown, with intent that such steamship or vessel should be employed in the service of some persons, to the said attorney unknown, to commit hostilities against the subjects, citizens and property of said government of Spain, with which the United States are at peace.

5. That certain persons, whose names are to the said attorney unknown, on the said day and year aforesaid, and at the place aforesaid, and within the limits of the United States, were knowingly concerned in the furnishing and fitting out of the said steamship or vessel, with knowledge and intent that such steamship or vessel should be employed in the service of some persons, to the said attorney unknown, to commit hostilities against the subjects, citizens and property of the said government of Spain, with which the United States were and now are at peace.

6. That all and singular the matters herein before secondly, thirdly, fourthly and fifthly articulated, are all and each of them contrary to the 3d section of the act of Congress approved April 20, 1818, entitled "An act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned."

That by reason of the premises and by virtue of the said act the said steamship, her tackle, &c., and arms, &c., become forfeited.

That all and singular the premises aforesaid are and were true, and within the admiralty and marine jurisdiction of the United States, and of this honorable court.

Wherefore the said attorney of the United States, on behalf of the said United States, prays the usual process and monition of this honorable court against the said steamship, now under seizure by the marshal of this district aforesaid, and her tackle, apparel, furniture, arms and ammunition, in this behalf to be made, and that all persons interested in the said steamboat and her tackle, apparel, furniture, arms and ammunition aforesaid, may be cited to answer the premises; and that all due proceeding being had thereon, this honorable court may be pleased to decree for the forfeiture aforesaid, and that the said steamship Meteor, and her tackle, &c., and arms aforesaid, may be condemned for the use of the United States, according to the said acts of Congress.

D. S. DICKINSON,

United States District Attorney.

Hon. SAMUEL R. BETTS,

*Judge of the district court of the United States of America
for the southern district of New York.*

Mr. Tassara to Mr. Seward.

[Translation.]

No. 10.]

LEGATION OF SPAIN AT WASHINGTON,

Washington, February 7, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, finds it his duty to call the attention of the honorable Secretary of State to an affair which is intimately related to the detention of the Chilean cruiser Meteor by the authorities of New York, and to the conspiracy which exists in this country to violate the laws of neutrality against Spain.

According to advices received this morning from the Spanish consul at that point it appears that, as the results of documents and evidence of the greatest character, the grand jury yesterday found a bill of indictment against the Chilean agent, Mr. Vicuña McKenna, and the court made order for his arrest.

The police proceeded yesterday afternoon to comply with this order, and Mr. Vicuña McKenna refused obedience to it, alleging that he held the rank of secretary of legation. The agents of the court replied that such rank was not known to them, but in the end he was permitted to remain in his house with a guard, and to send a telegram to the chargé d'affaires of Chile at the capital, for the

purpose of obtaining from the Department of State an order that he should be set at liberty.

There are two things of the greatest notoriety: 1st, that Mr. McKenna is a Chilean agent; 2d, that he has no diplomatic character, and consequently does not enjoy any immunity.

That Mr. McKenna is such Chilean agent, that he is laboring actively to violate practically and indeed the neutrality of this country as against Spain, is a matter he has proven by publishing newspapers, making speeches in public places, treating of arming expeditions, and exciting citizens to cruise against Spain, in open violation of the very law of the United States which in such case declares them to be pirates, and subject so far to the penalties of piracy. (Treaty of 1795 between Spain and the United States.) If this were not enough, his character as such agent seems to follow from the very documents in virtue of which he has been accused and ordered to be arrested by the court at New York.

That Mr. Vicuña McKenna has not either the diplomatic character, and, consequently, cannot shelter himself by that against the process of the common law of the country, is a matter no less in proof by all the facts and all the antecedents of his sojourn here.

On his arrival from Chile Mr. McKenna announced himself, or was announced, sometimes as minister or special commissioner to this country, and at others as commissioner not only to this country but to others in Europe; and although the undersigned alluded principally to him in saying in his note of January 25 that "there existed in New York a conspiracy against Spain, at whose head were Chilean agents who said they were invested with official character, and were accredited near this government," the undersigned took care, however, not to intimate anything more than that "they said they were invested with such official character," because there had not come to his knowledge in relation to Mr. Vicuña McKenna any of those official acts or formalities which authorize or give reason to suppose a character so noted as that of minister or diplomatic commissioner near a foreign government.

Such acts, if they have taken place, are to this moment unknown to him, and the very fact that Mr. Vicuña McKenna now announces himself, not even in the character of minister or commissioner, which in the outset was attributed to him, but in that of secretary of legation, which he assumed neither at first nor afterwards; that very fact proves better than any reasonings the utter invalidity of that or any other appointment which he could allege as a protection in the very act of the execution of a warrant of arrest issued against him by a court of the United States. The object cannot be more clear, and it is to be hoped the government will not allow the law to be evaded by means so contrary to all established rules either of common law or of international law.

So evident is this, that the supposition cannot be for a moment admitted, that Mr. McKenna can for a moment be considered by this government to have the least right to be treated otherwise than in such manner as any other resident foreigner would be who should be accused of violating the laws of the country.

The question, moreover, is such that if in fact there might have been any act or antecedent not known, in virtue whereof the agent referred to might invoke some diplomatic privilege, the offence with which he appears to be accused would only be of greater gravity, and the government of the United States would know how to deal in regard to him, who, under shelter of an always questionable inviolability, should have so greatly compromised the neutrality of this country toward Spain.

The case, nevertheless, does not present the least probability, and what is now going on is the strict and faithful observance of the laws of the United States without modifications or privileges, which not only will have no foundation on which to rest, but would give room for the most unfavorable constructions. It should also be well borne in mind that if, in conformity with the spirit

of the times and the principles already formally recognized by the greater part of the maritime nations, the ancient laws of neutrality should now receive an interpretation, that interpretation would necessarily be in a sense restrictive of cruising—each time more and more likened to piracy—not to say what would be appropriate about certain particulars such as caused the explosion at Taboga, and should engage the efforts of neutral governments more and more in the repression of contraband of war.

The undersigned will not close without dwelling on the necessity that this government, convinced by this flagrant proof of the conspiracy which exists in this country against Spain, should proceed with severity and energy in the investigation of the plans revealed during a month past by *The World* in New York; and confiding the more every day in the good faith of the United States, reiterates to the honorable Secretary of State the assurance of his highest consideration.

GABRIEL G. TASSARA.

Hon. SECRETARY OF STATE *of the United States.*

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,

Washington, February 8, 1866.

SIR: In further reply to your several recent notes, relative to the case of the steamer Meteor, and her detention at New York, I have the honor to state that a report has been received by me, from the United States attorney in that city, from which it appears that all proper and necessary steps have been taken by him to prevent any infraction of the neutrality laws of the United States.

I avail myself of this occasion to offer to you renewed assurances of my highest consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,

Washington, February 8, 1866.

SIR: I have the honor to acknowledge the receipt of your report in the case of the Meteor, dated the 5th instant, and to state that your proceedings as therein detailed are approved. The President is determined that the neutrality laws of the United States shall be administered in good faith, and with entire fairness.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. DANIEL S. DICKINSON,

United States Attorney, New York.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,

Washington, February 21, 1866.

SIR: I have the honor to acknowledge the receipt of your three letters of February 17 and 19, and to approve your proceedings as therein reported.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DANIEL S. DICKINSON, Esq.,

Attorney of the United States for the Southern District of New York.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,

Washington, February 27, 1866.

SIR: Your letter of yesterday's date, informing me of the progress which you have made in collecting evidence in the Meteor case, and desiring me to delay my consideration of the matter until you could obtain further testimony of an important character, has been received. In reply, I have to inform you that I will cheerfully wait your convenience, trusting, however, that you will not the less hasten your proceedings.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DANIEL S. DICKINSON, Esq.,

United States District Attorney

for the Southern District of New York, New York.

Mr. Dickinson to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE U. S.

FOR THE SOUTHERN DISTRICT OF NEW YORK,

New York, March 1, 1866.

SIR: Your favor of the 27th ultimo, touching the case of the Meteor, has just been received. I have no further important, tangible evidence in my possession than when I last addressed you; but upon the trial of the cause, notice of which I propose to give this day, aided by the process of the court, I am quite sure I shall be able to produce evidence of a very important character, which will not give *voluntary* assistance.

I beg leave to repeat that I deem the evidence already within my knowledge, a general statement of which I have heretofore communicated, quite sufficient for purposes of procuring a decree of condemnation.

I have the honor to be, sir, your obedient servant,

D. S. DICKINSON,

United States District Attorney.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Report of Judge Advocate Holt.

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,

Washington, D. C., March 8, 1866.

SIR: In reply to your communication of this date, in which you inform me that the President has directed that the case of the steamer Meteor should be submitted to me for opinion, I have the honor to return my views as follows:

This vessel has been libelled in the United States district court, at New York city, by the United States district attorney, for an alleged violation of the neutrality law by her owners in arming and fitting her out, or attempting to arm and fit her out, with the intent that she shall be employed in the service of the government of Chile, against that of Spain, with which this nation is at peace. The owners, as it appears, have applied for the release of the vessel, and propose, in consideration of her discharge, to enter into an obligation—of which the form is presented—in double the value of the ship, &c., to wit, in the sum of

\$600,000, not to commit, by her transfer or employment, any violation of the neutrality laws of the United States.

In your communication you submit the two questions: first, whether the bond offered to be given is sufficient in law; and second, whether the case is one in which the government may properly waive its right to proceed with the libel for forfeiture, upon its receiving the security offered, or one where sound policy requires that, for the purposes of justice and for the maintenance of the national honor, the judicial investigation which has been instituted should be vigorously proceeded with.

For a proper consideration of these questions a reference is to be had to those sections of the act of 20th April, 1818, known as the "neutrality law," which are applicable to the present case. These sections, the 8th, 10th, and 11th, are expressed as follows: It is to be noted that the 8th section, in its enumeration of the cases in which it is made lawful for the President to detain the vessel, refers to preceding sections in which the various modes of the infraction of the obligation of neutrality which it recites are separately specified, and penalties provided for each offence. This section, also, in its *resumé* of the several offences, must be understood as contemplating their being committed, in each instance, with the criminal *intent* also set forth in the previous parts of the act.

"8. In every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel-of-war, cruiser, or other armed vessel shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot contrary to the provisions and prohibitions of this act, and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as before defined, and in every case in which any process issuing out of any court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel-of-war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people; in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring the prize or prizes in the cases in which restoration shall have been adjudged; and, also, for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States, against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace."

"10. The owners or consignees of every armed ship or vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall enter into bond to the United States, with sufficient sureties, prior to clearing out the same, in double the amount of the value of the vessel and cargo on board, including her armament; that the said ship or vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace."

"11. The collectors of the customs be, and they are hereby, respectively, authorized and required to detain any vessel manifestly built for warlike purposes, and about to depart the United States, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board or other circumstances shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of

the President be had thereon, or until the owner or owners shall give such bond and security as is required of the owners of armed ships by the preceding section of this act."

Recurring now to the first question, in regard to the sufficiency of the proposed bond, it is to be observed that the form submitted might well be accepted as furnishing adequate security if the case were one in which the vessel might lawfully be released upon bond at all. But upon the enactments cited, it is believed to be manifest that the present case is not one in which such a release is contemplated. It is clearly not within the 10th section, inasmuch as the Meteor is not an "armed vessel;" nor can it be included in the provisions of the 11th section, since, though the steamer itself was "built for warlike purposes," its cargo does not "principally consist of arms and munitions of war."

The case not being within the provisions of either of these sections, we are necessarily referred to the 8th section, by which, among other things, the President is empowered to take possession of, and detain for the purposes therein mentioned, any "vessel fitted out and armed, or attempted to be fitted out and armed," in our ports, with the intent, as expressed in a preceding section in which this specific offence is separately denounced, of being employed in the service of a foreign power against some other power with which the United States is at peace. If such a case as that of the Meteor is contemplated by the act at all, it must be held to be included in the second of these classes, that of a vessel "*attempted to be fitted out and armed*," with the attempt indicated, but not yet actually armed as specified in the 10th section, or furnished with a cargo of the character described in the 11th section. But for the release of a vessel of such class, whether upon bond or otherwise, no provision whatever is made in the section under consideration. Indeed, in *none* of the cases of attempted violations of neutrality, which it specifies, does the 8th section provide for the bonding of the vessel seized; and that it does not do so is conceived to be owing to the fact that, unlike the 10th and 11th sections, which contemplate cases in which the basis for the detention of the vessel were authorized, is merely a suspicion or presumption arising from its character and the circumstances surrounding it. This part of the enactment provides for the seizure only in cases of *specific offences*, of which the gist is a criminal intent, and established by proof *aliunde*, and beyond that necessarily arising out of the character, &c., of the vessel. This distinction it clearly must have been which induced Congress to allow the privilege of bonding in the one class of cases, and not in the other; since while the release of a vessel upon bond might be proper enough in a case where no grave suspicion in regard to her intended employment was entertained, such a release would be manifestly improper and unsafe, and not, therefore, to be authorized, where the criminal intent of the owners, &c., was made probable from the testimony.

It is thus perceived that, by the sections of the neutrality act above recited, there is conveyed no *legal* authority for the acceptance of the proposed bond in the case of the Meteor, and the release of the vessel thereon. We are thus brought to the second question, which is rather a political than a legal one. It is an inquiry how far the summary process authorized by the neutrality act shall be enforced in this particular case; and the first point to be determined is, whether this vessel shall be regarded as having been *attempted* to be fitted out and armed with intent to be employed in the service of a belligerent nation with which we are at peace, and thus to be properly liable to the detention and disposition provided for in the eighth section. The evidence upon this part is contained in the report, with its accompanying papers, furnished to the Hon. Secretary of State by the United States district attorney, at New York city, whose official statements, as those of the legal representative of the United States, must, it is conceived, be taken to contain the most reliable and authoritative presentation of the case.

It is stated by Mr. Dickinson that having received information from the acting Spanish consul at New York, as well as from other sources, of an apparently contemplated infraction of the neutrality law in the sailing of the Meteor, he caused her to be seized when on the point of departure, and to be libelled in the United States district court. The affidavit of the consul filed in that court is presented, in which it is declared affirmatively that the steamer had been and was being fitted out in the port of New York with intent to be employed in the service of the government of Chile, and to cruise and commit hostilities against the subjects and property of the Queen of Spain. It appears, also, that a few days prior to the filing of the libel the secretary of the Spanish legation at Washington had personally brought the matter of the questionable character of the vessel to the attention of the United States marshal at New York, and the latter had pursued investigations which had satisfied him that "the suspicions of the Spanish authorities in regard to her were well founded."

Upon the arrest of the vessel under the process of the district court, the United States attorney (as he proceeds to describe) was waited upon by one or more of the owners and their counsel, with whom he had two separate interviews. Although at these interviews he expressed himself as ready and desirous to receive any explanation or statement which would justify him in releasing the seizure, and, as he says, confidently expected that some facts would be offered to that end, "neither owner nor counsel (and this is the most significant circumstance in the whole history of the case) presented anything in that direction except the assertion (unsupported by proof) that the contemplated voyage was legitimate and legal."

He then goes on to detail the facts, which of themselves furnished a probable cause of detaining the vessel, viz: her original construction as a war steamer; her being fitted for carrying at least twelve guns; her model and motive power, making her a first-class vessel-of-war, but next to useless for purely commercial purposes; her being "freighted with nothing but coal and an immense quantity of stores;" her being provided with an unusually large crew; her register issued 22d January last, but dated three months prior; and her clearance for Panama as a pretended merchant vessel, but without cargo.

Mr. Dickinson further observes, in positive language, that the testimony in his possession is, in his opinion, abundantly sufficient to procure a decree of condemnation. He says that he cannot at present particularize the witnesses who have aided in obtaining evidence in the case, because of his personal assurances conveyed to them that their names should not be indicated until they were summoned to appear in court; but he states that he shall no doubt be able to establish upon the trial the fact that the owners of the Meteor had been occupied for some time prior to her seizure in negotiations with the Chilean consul and agents for her transfer to their government, and that the Chilean consul had engaged in contracting for the armament of the vessel. He believes, also, that he will be able to show where this armament was to be received, who was to command the steamer when converted into a Chilean privateer, the price which was to be paid upon the purchase, and the fact that the owners were fully cognizant of the illegal use for which she was designed.

In the same connexion Mr. Dickinson alludes to other secret and illegal transactions between the representatives of Chile and parties in New York, of a character similar to those alleged in the case of the Meteor, and illustrating the latter; and upon all the circumstances detailed by him, the conclusion can hardly be avoided that the owners or agents of the Meteor are not merely *prima facie*, but most clearly chargeable with an attempted fitting out and arming of their vessel in violation of the laws of neutrality.

The attempt to arm the steamer is, perhaps, less distinctly apparent upon the testimony than the attempt to fit her out. But as it is manifest that she was to be fitted out, if at all, for belligerent purposes alone, the attempt to arm cannot

be separated from that to fit, in a proper consideration of her character and intended employment. The case, indeed, recalls forcibly that of the *Alabama*, which is known to have been fitted out in a British port with the intention of receiving her armament, as she actually did receive it from another vessel, which was awaiting her at sea. In fact, it is mentioned by Mr. Dickinson that in a private communication of the Chilean consul to an agent of his government, made a few days before the seizure, the *Meteor* is spoken of as a *second Alabama*.

It being, therefore, deemed to be sufficiently well established that the case of this steamer is within one of the classes of vessels specified in the 8th section of the neutrality act in regard to which the President is invested with the authority of summary seizure and forcible detention, it remains only to express the opinion which is decidedly entertained by me, that the authority in question should be rigorously exercised in this instance. That it should be so exercised is believed, indeed, to be required by the general principle of international law which enjoins the strictest impartiality toward belligerent powers, on the part of the neutral, whose "duty" it is, as it is expressed by Bynkershoek, "to be every way careful not to interfere in the war, and to do equal and exact justice to both parties."

But aside from the injunction of public law, it is conceived that a grave and peculiar obligation to observe, in this and similar instances, an extreme vigilance, is imposed at this juncture upon our government; for it is upon such a degree of vigilance on the part of foreign powers that it has invariably insisted during the present rebellion; and it cannot now, in justice or in honor, hesitate to prescribe for itself as a neutral the same duty. Whenever during the war the rule of strict impartiality has appeared to be disregarded by a European nation, its action has not failed to be met by the most earnest protest and remonstrance on the part of our government at home, and its ministers abroad; and the injury to our commerce, which has been deemed to have grown out of undue facilities afforded by the foreign power in any instance to piratical rebel cruisers, has been made the subject of claims for indemnity which have been in nowise abated up to this time.

It must thus, it is thought, be perceived, that the only course consistent with its dignity and honor at this period, is for this government to exhibit itself as the exemplar of the principles the observance of which it has heretofore so emphatically demanded on the part of neutrals. My conclusion, therefore, is, that in the case of the *Meteor*, as indeed in any similar case, in which a breach of the law of neutrality is fairly to be presumed, the authority of the executive for the detention of the vessel, at least till all the facts of the imputed criminality of her owners can be judicially investigated, should be rigorously maintained. If, indeed, the strict exercise of that authority were to be relaxed in the present instance, and the steamer be allowed to go on her way, it is clear, should the convictions of the United States attorney in regard to her intended employment be justified by the result, that the bond proposed to be given would furnish no adequate indemnification either to this government or to that of the belligerent upon whose commerce this vessel might make war. Until, therefore, the issue of the trial upon the pending libel in the admiralty court shall be made known, the terms, if any, upon which the *Meteor* shall be released at all, should not, in my opinion, be considered.

J. HOLT,
Judge Advocate General.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 18.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 10, 1866.

The undersigned, minister plenipotentiary of her Catholic Majesty, has advices that the owners of the Meteor applied yesterday to the district court of New York, praying that she be released under surety, and that the application was to be decided on Monday, the 12th instant.

The undersigned must believe that, under existing charges and proofs, the court will not accede to the application. He hopes, however, that the government of the United States, in the sphere of its attributes, will give instructions to the district attorney of New York to oppose it, trusting that, even in the case of the court acceding to the motion, the vessel will not be delivered to the owners.

The undersigned must urge this matter the more so, as the Meteor not having, as is notorious, the qualities of a merchant vessel, there is no reason for letting her go on any ground, having reason to suppose that her owners, in accordance with the Chilean agents, are disposed not merely to lay down the security in question, but whatever other additional securities may be exacted from them in order to use the vessel, once outside of the jurisdiction of the United States, to go and cruise against the commerce and mercantile marine of Spain; what follows, therefore, is that the cause may take its course always on the supposition that the vessel be not given up.

Hoping this as well from the justice and the good faith of the United States, the undersigned avails of the occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

HON. SECRETARY OF STATE
of the United States, &c., &c., &c.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 19.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, March 10, 1866.

Since my note of this morning, the undersigned has received intelligence that the application to discharge the Meteor, therein referred to, is founded on the 89th section of the act of 2d March, 1799, to regulate the collection of duties on imports and tonnage.

The general words of this section of an act, purely municipal in its nature, and restricted to the matter of the collection of duties, can clearly have no application to a case arising under the act of April 20, 1818, to preserve the neutrality of the United States, and the undersigned considered himself on that account still further authorized to request that the district attorney shall be instructed to oppose the application.

If, contrary to this expectation, the court should for any reason allow to discharge the vessel, the undersigned will still insist that she will be ordered to be detained by the collector of the custom-house of New York, under the 11th section of the act of April 20, 1818, the only disposition that can be clearly applied to the present case.

The undersigned avails of the occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

HON. SECRETARY OF STATE,
of the United States, &c., &c., &c.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,
Washington, March 10, 1866.

SIR: I give you herewith a copy of a note which I have just had the honor to receive from his excellency Mr. Tassara, the minister of Spain, in which he states that he is advised that the owners of the Meteor have applied to the district court for a release of that vessel under security.

An application has heretofore been made to the President to favor such a proceeding. It has been considered with the result following, viz: that the executive authority finds no sufficient grounds for interfering with the due and regular course of the administration of justice.

It is expected, therefore, that you will take such course in regard to the present question as shall be best calculated to maintain the neutrality laws of the United States in their full force and virtue.

I am, with much respect, your obedient servant,

WILLIAM H. SEWARD.

Hon. DANIEL S. DICKINSON,
United States District Attorney, New York.

Mr. Seward to Mr. Evarts.

DEPARTMENT OF STATE,
Washington, March 11, 1866.

SIR: It is decided that the executive department cannot wisely interfere with the course of the legal proceedings in the case of the Meteor.

Very truly, yours,

WILLIAM H. SEWARD.

WILLIAM M. EVARTS, Esq., New York.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,
Washington, March 12, 1866.

SIR: I have the honor to transmit for your information a copy, in translation, of a note of the 10th instant from Mr. Tassara, the Spanish minister, relative to the application for discharge in the case of the Meteor.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DANIEL S. DICKINSON, Esq.,
United States Attorney, New York.

Mr. Dickinson to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE U. S.
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, March 24, 1866.

SIR: I have the honor to transmit herewith the opinion of Judge Betts upon the motion of the claimants of the ship Meteor to bond her, the motion being denied.

I have the honor to be, sir, your obedient servant,

D. S. DICKINSON,
United States District Attorney.

Hon. WILLIAM H. SEWARD, Secretary of State.

In the United States district court yesterday, in the case of the United States *vs.* The steamship Meteor, her tackle, &c., Judge Betts pronounced the following important decision:

On the 23d day of January, 1866, the United States attorney for this district filed in this court a libel of information against the above-named vessel, charging that the said vessel had been fitted out to commit hostilities against the government of Spain, in violation of the neutrality act of Congress of 1818. On the succeeding day the attorney filed an amended libel of information in the same cause, charging and detailing the misdemeanors imputed to the said ship specifically and minutely. On the filing of the original libel, there was issued out of the clerk's office of this court, under the seal of the court, addressed to the marshal of the district, a monition and warrant of attachment, returnable in court on the 13th of February next thereafter, on which day the said process was duly returned in court, served by the marshal. On the 14th day of March instant, counsel for the claimants of the said vessel made application, by a summary and non-enumerated motion to the court, for an order to appoint appraisers in the above cause, to appraise the said ship; and upon the filing of a bond or stipulation for the amount of such appraised value, to deliver possession of the vessel to the said claimants. On looking at the papers on file the summary motion now pressed to hearing by the claimants appears, under the circumstances of the case, according to the strict rules of practice, to be premature in point of order, exceptive allegations having been previously taken by the United States attorney to the competency of the claimants to intervene in this matter. But the counsel for the claimants urging the immediate hearing of his special motion, and the United States attorney waiving all objection to such immediate hearing, the parties proceeded to discuss the questions raised on the application made by the claimants to have appraisers appointed to value the steamship and to have her restored to the claimants on bail, according to the usual course of procedure in courts of admiralty and maritime jurisdiction in seizure cases. The cause was presented to the court in maintenance of the propositions of law insisted upon by the counsel for the claimants as recognized or established by statutory law, and the standing rules and adjudications of the courts of the United States, with great force and efficiency, and I perceive no ground to question at this day that it is within the ordinary usage of the United States courts, authorized and sanctioned by statutory enactments and by the standing rules of the several courts of the United States in the exercise of their several functions *in banco*, or by the judges separately out of court, to bail personal property seized under processes *in rem*, issued out of courts of civil and admiralty jurisdiction, and deliver the *res* into the possession of the proper claimant, on security approved by the judicial authority having cognizance of the subject-matter. The attributes inherent in the civil and admiralty court of England were originally of like extent, though in modern times they have fallen into disuse, probably under the overshadowing influence of the courts of common law. (2 Browne's Civil and Adm. Law, 435.) It seemsto me, then, that the sole question of difficulty in principle subsisting in this case, is whether the court is bound by positive law, on a final course of practice and usage established by authority of the judiciary, equivalent in force to a direct enactment of Congress, to deliver the ship to the claimants on bail, or whether the delivery on bail is subject to the judicial discretion of the court. I feel persuaded that the sound construction of all the regulations in this behalf prescribed by the Supreme Court of the United States, or by the circuit or district court within this district, and all the doctrines adopted by those courts on that branch of practice, have been carried into execution on the understanding that the power and trust to bail property held under seizure in a court of civil and admiralty jurisdiction, in an action of tort or one of contract where opposition is made thereto, lies exclusively within the

judicial discretion of the court. (Dunlap Adm. Pr., 2d edit., 181; *The brig Struggle*, 1 Gall., 476; *The George* 2d, 249; *Lane vs. Townsend*, Ware, 2d edit., 289.) The act of March 3, 1847, (4 United States Statutes at Large, 181,) entitled "An act for the reduction of the costs and expenses of proceedings in admiralty against ships and vessels," was cited by the counsel for the claimants as imposing on the court the imperative duty of delivering up the vessel on bail. But the court is of opinion that that statute is, by its express terms, limited in its operation to cases in admiralty in which the libellant seeks to recover a money demand, and has no application to cases like that now before the court. If the whole question as to the delivery of the vessel on bail in the present case was one merely of judicial discretion, I should have great hesitation in acceding to the application of the claimants, at the present time, in so grave a case as that disclosed in the libel of information. The importance of a due and proper enforcement of the neutrality laws of the United States is so great that no course of procedure ought to be adopted by the court which would afford an opportunity for a repetition of the offences charged against a particular vessel, at least until the public authorities have been afforded a reasonable time to substantiate, through a judicial trial, their allegations against such vessel. But, aside from the correctness or incorrectness of the views thus expressed, I am persuaded that the direct legislation of Congress in the act upon which the libel of information in the present case is founded (act of April 20, 1818, 3 United States Statutes at Large, 447) covers the subject-matter of the present application, and is conclusive upon the question that the vessel, while held under seizure by process in favor of the United States for the violation of that statute, cannot be discharged on bail by order of a judge of the United States under the authority of the common rules and practice of the court. The third section of the act enacts that "if any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district or people with whom the United States are at peace," &c., &c., every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition and stores which may have been procured for the building and equipment thereof, shall be forfeited. The amended libel avers as causes of forfeiture various violations of the third section of the act. The eighth section of the act provides that "in every case in which a vessel shall be fitted out and armed, or attempted to be fitted out and armed," "contrary to the provisions and prohibitions of this act," "it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such ship or vessel," "in order to the execution of the prohibitions and penalties of this act." The clear purport and intent of these provisions of the eighth section are, that the vessel whose forfeiture is claimed, through judicial proceedings, for an offence against the third section, shall herself be detained, so that the forfeiture, which is the penalty imposed by the third section, may be enforced against her specifically in case of her condemnation. Such detention must continue, at least, until the government has had a reasonable opportunity to bring the case to trial. To the suggestion of the hardship of the case to the claimants in case of an acquittal of the vessel on trial, the answer is, that it is not improbable that the policy adopted by Congress of holding the vessel in custody to secure the rigid observance of the neutrality laws, would be considered by the government as furnishing ground

for making compensation for the loss and damage caused by an unwarranted prosecution. The application is overruled.

William M. Evarts and Joseph H. Choate for claimants. Samuel G. Courtney for the United States.

Mr. Evarts to Mr. Seward.

NEW YORK, *March 24, 1866.*

SIR: In the case of the Meteor, Judge Betts has just announced his decision, denying the application of the claimants to have the vessel discharged, on bond, of which decision we enclose a copy. He holds, as you will perceive, that by the provisions of the act under which the seizure is made, and particularly the eighth section, the vessel cannot be discharged on bond on stipulation, but must be herself detained, so that the forfeiture imposed by the third section may be enforced against her specifically in case of her condemnation; and further, that such detention must continue at least until the government has had a reasonable opportunity to bring the case to trial. This view of the law and of the hardship it imposes upon the vessel, if innocent, furnishes, as the learned judge declares in concluding his opinion, ground for a valid claim by the owners for compensation at the hands of Congress, as an appropriate remedy for the loss, damages, and expenses incurred by them in consequence of the seizure and detention, should the prosecution prove to have been unwarranted.

Such being the case, and it being left wholly uncertain how long the detention will be protracted, we now, on behalf of the owners, and by their instruction, propose that the district attorney be directed to assent to the order for bonding, upon the understanding that she shall be immediately sold by her owners at public auction, in the city of New York. We trust that this proposition will commend itself to your sense of justice, as it will at once put a stop to the very heavy expense and loss which her continued detention entails, and so place a reasonable limit upon the contingent claim, for which, as suggested by the court, the government will be called upon to respond; and will, at the same time, place this valuable vessel in the open market at the disposal of commerce relieved of all suspicion and complaint, as effectually as if she were so sold under a final decree of condemnation.

I have the honor to be, your obedient servant,

WILLIAM M. EVARTS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Dickinson.

DEPARTMENT OF STATE,

Washington, March 27, 1866.

SIR: Your attention is invited to the enclosed copy of a communication of the 24th instant, in regard to the Meteor, from William M. Evarts, esq., of New York; and I will thank you to inform me of your views as to the expediency of adopting the suggestion which it contains.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

DANIEL S. DICKINSON, Esq.,
United States District Attorney, New York.

Mr. Seward to Mr. Evarts.

DEPARTMENT OF STATE,
Washington, March 27, 1866.

SIR: I have received your letter of the 24th instant, in regard to the case of the Meteor. You propose therein that the district attorney be directed to assent to the order for bonding, upon the understanding that she shall be immediately sold by her owners at public auction in the city of New York. In reply, I have to inform you that the matter is now under consideration, and that I shall take pleasure in acquainting you with the result as soon as determined.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM M. EVARTS, Esq., New York.

Mr. Dickinson to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE U. S.
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, March 28, 1866.

SIR: Your note of the 27th, in relation to the Meteor, enclosing a copy of a communication from William M. Evarts, esq., to the State Department, on the same subject, was received this morning. The trial has already proceeded upon some preliminary, and, as Judge Betts rules, *formal* issues, and the trial upon the merits has been set down for Friday morning, 30th instant. The statements of the witnesses are evidently sufficient, if not contradicted or disbelieved, to condemn the vessel; but whether these witnesses will sustain themselves in court under a rigorous cross-examination, my experience teaches me, is, in such a case, generally doubtful.

I do not now see anything seriously objectionable in the proposition of Mr. Evarts, and it being an administrative question, shall cheerfully carry out any instructions you may give in the premises.

I have the honor to be, sir, your obedient servant,

D. S. DICKINSON,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Evarts to Mr. Seward.

NEW YORK, March 28, 1866.

SIR: I have had the honor to receive your favor of the 27th instant, informing me that my proposition for the bonding of the Meteor, and its sale at public auction by its owners, was under consideration.

I am greatly obliged by this assurance, and cannot but hope that a disposition of the vessel which will at once satisfy any duties in solicitudes the government may feel in respect of her employment, relieve the owners from the severe pressure of the prosecution which may prove unsupported, and restore to commerce so valuable a steamer, will commend itself to your approval.

I need only express the further hope that the rule may be permitted without unavoidable delay, and thus the burden to be borne, whether by the owner or by the government, be reduced as much as possible.

Yours, very respectfully,

WM. M. EVARTS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Speed.

DEPARTMENT OF STATE,
Washington, March 30, 1866.

SIR: I request your opinion upon the lawfulness and propriety of acceding, on the part of the government, to the proposition made in behalf of the owners of the steamer Meteor, stated in the accompanying letter from William M. Evarts, esquire, dated March 24, 1866, and referred to by D. S. Dickinson, esquire, district attorney for the southern district of New York, in his letter of the 28th instant.

Your obedient servant,

WILLIAM H. SEWARD.

Hon. JAMES SPEED,
Attorney General, Washington, &c., &c.

Mr. Speed to Mr. Seward.

ATTORNEY GENERAL'S OFFICE,
Washington, March 30, 1866.

SIR: I have the honor to acknowledge the receipt of your note of this date, together with a letter from Mr. Evarts and one from Mr. Dickinson.

Mr. Evarts, in his letter, proposes that the district attorney be instructed to assent to an order for the bonding of the Meteor, which has been seized and libelled in the district court for the southern district of New York for an intended breach of our neutrality laws, and that the owners shall, on their part, consent that the boat shall be sold at public auction in the city of New York, but reserving the right to make claim on the government for damages because of the illegal detention of the boat.

I do not think that such bond and arrangement should be made. The whole arrangement is predicated on the idea that the detention was wrongful. The government is asked to acknowledge that fact without a trial.

If facts have come to light since the seizure showing that it was wrongful, the libel should be dismissed and the vessel restored to the owners. If, however, subsequently discovered facts only make it doubtful whether the boat was rightfully seized, I do not see what possible good would come from the arrangement. The slight saving in the amount of damages would be no compensation for the direct acknowledgment that the seizure was illegal.

I am, sir, very respectfully, your obedient servant,

JAMES SPEED,
Attorney General.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of January 8, 1866, correspondence respecting General Order No. 17, issued by the commander of the department of California, prohibiting the exportation of arms or munitions of war over the frontier.

APRIL 23, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

In compliance with the Senate's resolution of the 8th January, 1866, I transmit herewith a communication from the Secretary of War, of the 19th instant, covering copies of the correspondence respecting General Order No. 17, issued by the commander of the department of California, and also the Attorney General's opinion as to the question whether the order involves a breach of neutrality towards Mexico.

ANDREW JOHNSON.

WASHINGTON, April 20, 1866.

WAR DEPARTMENT,
Washington City, April 19, 1866.

MR. PRESIDENT: In compliance with that part of the Senate's resolution of January 8, 1866, referred by you to this department, requesting the President to communicate the correspondence in regard to General Order No. 17, issued by the commander of the department of California, forbidding the exportation of arms or munitions of war over the frontier, I have the honor to send herewith copies of such correspondence; also as to the inquiry in the resolution whether the discrimination is a breach of neutrality towards Mexico, I transmit the Attorney General's opinion, received from the Secretary of State.

The General Order No. 17 has been rescinded.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, California, October 24, 1865.

SIR: I have the honor to forward herewith copies of letters to and from these headquarters concerning the neutrality of the United States in the existing war between France and Mexico.

1st. A letter from Mr. Cazotte, French consul, from San Francisco, dated August 10, 1865. This letter and the telegram (No. 2 below) were submitted to the United States district attorney before the latter was issued.

2d. Copy of my telegram to General Mason, commanding in Arizona, dated August 15, 1865.

3d. Copy of my letter to French consul, August 16, 1865.

4th. A letter dated September 2, received September 11, 1865, from Captain William A. Winder, third United States artillery, commanding at San Diego, California.

5th. Copy of my General Order No. 17, of October 11, 1865. This order was issued after a personal interview sought with me by the French consul, in which he represented he had positive information the arms were on the road to Fort Yuma, having been safely landed at Wilmington and San Diego. His statements were confirmed by Captain Winder's letter (No. 4 above,) and the facts are virtually admitted by the Mexican consul in his letter of October 16, 1865.

6th. Copy of my letter to General Mason of October 11, 1865.

7th. Letter to me from Don José A. Godoy, dated October 16, 1865.

8th. Copy of my letter to Don José A. Godoy of October 18, 1865, with four enclosures; being, first, copy of note to the collector of the port, dated October 17, 1865, (marked A;) second, the collector's answer, (marked B,) with copies of his two orders to the revenue cutter, (marked C and D.)

9th. Letter to me from Don José A. Godoy of October 18, 1865.

10th. Letter to me from Mr. Charles de Cazotte, French consul, dated October 21, 1865; and

11th. A copy of my letter to Mr. Charles de Cazotte, dated October 23, 1865.

The correspondence which was published was not published by me, or with my knowledge or consent.

I have the honor to be, very respectfully, your most obedient servant,

IRVIN McDOWELL,

Major General, Commanding Department.

Lieut. Colonel R. N. SCOTT, A. A. G.,

Headquarters Division of the Pacific, San Francisco, California.

DEPARTMENT OF STATE,

Washington, January 5, 1866.

SIR: I have the honor to transmit to you a copy of an opinion given by the Attorney General of the United States on the 23d ultimo, in reply to a communication which I addressed to him on the 21st of November, in consequence of a remonstrance having been made by Señor Romero, the minister of the Mexican republic, against the order of October 11, 1865, issued by Major General McDowell, commanding the military department of California, prohibiting the exportation of arms or munitions of war by the frontier into Mexico.

The opinion is submitted for your consideration and with the view of your giving such instructions to Major General McDowell as may be necessary in the premises.

I have the honor to be, sir, your obedient servant,

W. HUNTER,

Acting Secretary of State.

Hon. EDWIN M. STANTON,

Secretary of War.

ATTORNEY GENERAL'S OFFICE,
Washington, December 23, 1865.

SIR: I must ask pardon for my delay, occasioned by pressing engagements in court, in making reply to your letter of the 21st ultimo, enclosing for my consideration two notes, received by your department from the minister of the Mexican republic, with their accompaniments, relative to an order of date of October 11, 1865, issued by General McDowell, commanding the military department of California, prohibiting the exportation of arms or munitions of war by the frontier into Mexico. The question asked by you is, whether, in my opinion, this order is in conformity with any laws, regulations, or orders in force bearing upon the subject.

No military officer has the right in this country to issue any order to which he cannot lawfully compel obedience by the forces under his command. The test, therefore, of the validity, in point of law, of this order of General McDowell is, whether he could lawfully employ the military forces subject to his control to prevent American citizens and other persons within our jurisdiction from transporting arms or munitions of war as merchandise across the frontier into Mexico in the present state of the affairs of that country.

The answer to be given to this question depends upon the character of the acts against which the order is directed, whether they are lawful or unlawful; and if unlawful, whether the military authority can take cognizance of them, and prevent or restrain their commission.

Some offences are cognizable exclusively by civil authority; others may lawfully be restrained or prevented by military power. Counterfeiting the current coin of the United States is made criminal by statute, but the law leaves the offence to be dealt with by the civil authority of the United States. By the statute of 1818, the setting on foot any military expedition within the jurisdiction of the United States against the territory of a foreign state with whom the United States are at peace is a high misdemeanor; but the statute expressly authorizes the President to employ the army and navy to prevent the carrying on of any such expedition from our territory.

It is plain that if it should be determined that it is not unlawful for American citizens, neutral people in the war now being waged on Mexican territory, to export articles contraband of war, by way of merchandise, to either of the belligerents, the inquiry as to the jurisdiction of the military authorities over the subject need not be pursued. In that event, any attempt on the part of those authorities to enforce obedience to rules or regulations of their own in regard to that subject would be clearly a usurpation of power.

Now, I apprehend it to be well settled that "neutrals may lawfully sell, at home, to a belligerent purchaser, or carry themselves to the belligerent powers, contraband articles, subject to the right of seizure *in transitu*. The right of the neutral to transport, and of the hostile power to seize, are conflicting rights, and neither party can charge the other with criminal act." (Kent's Com., p., 142.) I state the doctrine in the words of Chancellor Kent, "of whose writings it may be safely said," a late English author has remarked, "that they are never wrong."

In the case of "The Santissima Trinidad," Mr. Justice Story, in delivering the opinion of the court, said: "There is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation." (7 Wheaton, 340.)

Without entering into an extended exposition of the law on this subject, I am of opinion that if the order of General McDowell was intended to interfere with such trade, conducted by our people, as the authorities to which I have referred

have declared to be lawful, the order is not "in conformity with any laws bearing upon the subject."

I observe that a portion of the order to which my attention has been called was probably intended to be directed against military expeditions or armed enterprises carried on from this country against the belligerents contending in Mexico. Such expeditions and enterprises are, of course, violations of our statutes, and nothing in this opinion is intended to impugn the validity of the order in respect to them.

I have the honor to be, with the greatest respect,

JAMES SPEED,
Attorney General.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Translation.]

CONSULATE OF FRANCE,
San Francisco, August 10, 1865.

GENERAL: I have learned from certain sources, and also through the newspapers, that an American schooner, the Owens, which left San Francisco clandestinely toward the middle of the last month, had unloaded at San Pedro and at San Diego, arms destined for Mexico, to the partisans of Juarez. This armament, of which thirty-two chests of muskets were put ashore at San Pedro and the rest at San Diego, was accompanied by three Mexican officers—Captain José Maria Herrera, Lieutenants Modesto Medina and Francisco Rivera, lately prisoners in France, and who owe their liberty to the generosity of the Emperor.

I will be much obliged to you, general, if you will be pleased to give the necessary orders to stop in the two above-mentioned ports, if there is as yet time, an armament sent forth in contravention of the principles of neutrality which our two countries, in their amicable relations, have always observed.

I profit by this occasion to renew to you, general, the assurances of my very high consideration.

CHAS. DE CAZOTTE,
Consul of France.

Our letter from San Diego.

[From the resident correspondent of the Alta Californian.]

Arms for Mexico.—A small invoice of arms, &c., for Mexico, was discharged from a schooner from your city, here last week. It is reported that they are to be transported from here overland to Hermosilio, Sonora. By the same schooner came three Mexican officers, one captain and two lieutenants, as passengers. These officers were taken prisoners by the French at Puebla in 1862 or 1863, and were sent from there to France, where they have been under surveillance as prisoners of war, until recently. They have returned without any restrictions whatever. Before they left Vera Cruz, and while in France, they were offered the privilege of being returned many times if they would swear allegiance to Maximilian. This they steadily refused to do, and in consequence thereof are now free, and, I understand, are ready to fight for the country again.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, August 15, 1865.

Send the following telegram by express to General Mason, commanding Arizona: "See that our neutrality is preserved in the war now existing between France and Mexico, and suffer no organized armed bodies of men, military arms, and munitions of war to pass the frontier in your charge to either belligerent."

This, of course, not to be construed as prohibiting individuals from bearing arms for their personal protection.

By order:

R. C. DRUM,
Assistant Adjutant General.

Colonel JAMES F. CURTIS,
Drum Barracks, via Los Angeles.

Official:

R. C. DRUM, A. A. G.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, August 16, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, stating that you are informed from unquestionable authority that arms, destined to be sent to Mexico to be used against the French, have been disembarked at San Pedro and San Diego, accompanied by certain Mexican officers, and calling on me to stop the transit of these arms if it is yet time.

In reply, I have to inform you that orders will be given immediately to General Mason, commanding in Arizona, to see that our neutrality is maintained, and that no armed parties and no arms be allowed to pass into Mexico across the frontiers under his charge. This, of course, not to be construed as prohibiting individuals from bearing arms for their personal protection.

Very respectfully, your obedient servant,

IRVIN McDOWELL,
Major General, Commanding Department.

Monsieur CHARLES DE CAZOTTE,
French Consul, San Francisco, California.

Official:

R. C. DRUM, A. A. G.

NEW SAN DIEGO, CALIFORNIA,
September 2, 1865.

COLONEL: There appears to be an armed expedition fitted out here for some purpose. As the persons who have charge of the arms are Mexicans, I presume they are intended for Mexico.

It appears that a lot of arms were landed at the Plaza some weeks since, and there are now a party of Mexican officers in the town, two of whom arrived yesterday. I would respectfully ask for instructions by telegraph.

I am, sir, very respectfully, your obedient servant,

WILLIAM A. WINDER,
Captain 3d Artillery, Commanding.

Lieutenant Colonel R. C. DRUM,
Assistant Adjutant General, Department of the Pacific.

[General Orders No. 17.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., October 11, 1865.

It is made the duty of the officers commanding the districts of Arizona and southern California, whilst keeping in view the recent orders allowing the exportation of arms and munitions of war, to instruct the commanders on the southern frontiers, within this department, to take the necessary measures to preserve the neutrality of the United States with respect to the parties engaged in the existing war in Mexico, and to suffer no armed parties to pass the frontier from the United States, nor suffer any arms or munitions of war to be sent over the frontier to either belligerent. This not to prevent individuals from passing with arms for their personal protection.

By command of Major General McDowell.

R. C. DRUM,
Assistant Adjutant General.

Official :

R. C. DRUM, A. A. G.

[Extract.]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., October 11, 1865.

SIR : General Order No. 17, concerning the preservation of our neutrality, goes to you by this mail. The French consul, Mr. de Cazotte, complains, and reports from the district of southern California indicate, that quantities of arms in the hands of Mexican officers have been landed at San Diego and Wilmington. It is reported they are to be sent across the frontier into Lower California and Arizona. The General Orders above named were issued to cover the case.

Very respectfully, your obedient servant,

R. C. DRUM, A. A. G.

Brigadier General JOHN S. MASON,
U. S. Volunteers, Commanding District of Arizona.

Official :

R. C. DRUM, A. A. G.

[Translation.]

CONSULATE OF MEXICO IN SAN FRANCISCO,
San Francisco, October 16, 1865.

The undersigned, consul of the Mexican republic at this port, has the honor to address himself to General Irvin McDowell, commanding the department of California, calling his attention to the order which was issued on the 11th instant, and which was published in the periodicals of this city.

In the said order, founded upon the neutrality which ought to be observed between the parties who are now at war in Mexico, is prohibited the sending of arms and munitions of war across the frontier of the United States. The exportation of arms being permitted by the government at Washington, the undersigned believes that the supreme disposition is changed in favor of one of the parties—that is to say, of the French. If the order dictated by General McDowell be maintained, as the ports of the Pacific are now occupied by the invader of Mexico, there remains no other route of transit left to the constitu-

tional government, the only one recognized by that of this country, than that of the frontier, which is now closed to it. Thus ceases, general, the strict neutrality proclaimed by the government of Washington on various occasions, and the party of the usurpers, which is that opposed by the noble people of this great republic, becomes a favored one. The undersigned consul hopes that General McDowell will be pleased, if it would seem proper to him, to revoke the order of the 11th instant, and conforming himself to the resolution of the President of the United States, which permits the going out of arms and munitions of war. The undersigned had the honor to represent the purport of the above to General McDowell in his conference of to-day. The undersigned conveys his assurances of his regard and distinguished consideration.

JOSE A. GODOY.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., October 18, 1865

SIR: I have the honor to acknowledge the receipt of your note of yesterday, calling my attention to the effect of my general order of the 11th instant, with respect to the neutrality to be observed towards the two parties at war with each other in the republic of Mexico, and prohibiting the passage of arms and munitions of war across the frontier to either of the belligerents.

You conceive this order to be at variance with the orders from Washington, allowing the export of arms and munitions of war, and the effect of it to be advantageous to the French, for the reason that they have possession of all the ports, and the Mexicans have no other channel by which to obtain arms than over the frontier, which channel this order now closes to them.

It is undoubtedly true that the possession of the seaports gives the French great advantage in the war, but this is a misfortune for Mexico for which the United States are not responsible, and it certainly would not justify them in sanctioning the use of their territory and frontiers for the benefit of the Mexican government in a contest in which they have declared themselves neutral.

As it may be inferred from the tenor of your letter that you suppose that, under the order permitting arms to be exported from the United States, they could be sent to the French at any of the Mexican ports now in their possession, thus placing them on a more favored footing than the Mexicans, I beg to enclose you copies of my correspondence with the collector, by which you will see that it is not only by land that arms and munitions of war are not allowed to go to the seat of war, but by water as well, and that, so far as the United States authorities are concerned, the French in the seaports will be treated the same as the Mexicans on the frontier.

I regret deeply, Señor Consul, that any official act of mine should be thought by you or any one to work harm to your country, for which I have so warm a sympathy, and it is with real pain that I have to say that I do not feel I would be justified in withdrawing the order of which you complain.

I have the honor to be, Señor Consul, with great respect, your most obedient servant,

IRVIN McDOWELL,
Major General Commanding Department.

Señor J. A. Godoy,
Mexican Consul, San Francisco, California.

CUSTOM-HOUSE, SAN FRANCISCO,
Collector's Office, October 17, 1865.

GENERAL: In the case put in your note of this date in respect to the shipment of arms and munitions of war to Mexico, I should refuse clearance and submit the case to the Secretary of the Treasury.

I enclose copies of two orders, dated, respectively, the 15th and 26th ultimo, which indicate the policy I have deemed it my duty to pursue in respect to the subject of your inquiries.

With great respect, your obedient servant,

CHARLES JAMES, *Collector.*

IRVIN McDOWELL,

Major General, Commanding Department.

CUSTOM-HOUSE, SAN FRANCISCO,

Collector's Office, September 26, 1865.

SIR: You will be vigilant and see that no warlike expedition or vessels laden with arms and munitions of war leave this port in violation of the neutrality laws.

Respectfully,

CHARLES JAMES, *Collector.*

Lieutenant G. W. MOORE,

Commanding Revenue Cutter J. Lane.

CUSTOM-HOUSE, SAN FRANCISCO,

Collector's Office, September 15, 1865.

SIR: I have information that a vessel will leave this port to-night with arms and munitions of war in violation of the act of Congress of April 20, 1818.

The vessel is described as a small coaster, name not reported.

You will take an advantageous position and bring to and search any suspected vessel, and if you find any arms and munitions of war on board, detain her and report.

Respectfully,

CHARLES JAMES, *Collector.*

Lieutenant H. H. ANDREWS,

Commanding Revenue Cutter Shubrick.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,

San Francisco, Cal., October 17, 1865.

SIR: I beg to ask if you would consider it your duty, under existing instructions, to permit arms and munitions of war to leave this port for a port of the republic of Mexico, such port being of the possession of the French forces, and you knowing that the arms and munitions of war were for the use of those forces in the existing war with Mexico—the United States being at peace with both belligerents.

Will you please let me know what has been your official action with respect to the neutrality of the United States in the existing war of the French against Mexico?

I have the honor to be, very respectfully, your most obedient servant,

IRVIN McDOWELL,

Major General, Commanding Department.

CHARLES JAMES, Esq.,

Collector of the port of San Francisco, California.

Official:

R. C. DRUM,

Assistant Adjutant General

[Translation.]

CONSULATE OF MEXICO IN SAN FRANCISCO,
San Francisco, October 18, 1865.

The undersigned, consul of the Mexican republic at this port, has the honor to acknowledge to General McDowell the receipt of his note of yesterday, and of the enclosed copies.

The undersigned deems it proper to report to his government and to the Mexican minister in Washington the correspondence which has passed between this consulate and the headquarters department of California, for such disposition as they may think best.

Before concluding this note, the undersigned considers that he complies with his duty in making it known to General McDowell that he has never, for a moment, doubted his sympathy, for which he thanks him, as was made known to him in the conference held with him on the 17th instant.

The soliciting the revocation of the order of the 11th instant was because he was, as he is still, in opinion that it was prejudicial to the defence of the national cause of Mexico.

The undersigned conveys to General McDowell assurances of his distinguished consideration.

JOSÉ A. GODOY.

[Translation.]

CONSULATE OF FRANCE IN SAN FRANCISCO,
San Francisco, October 21, 1865.

GENERAL: One of the principal newspapers of this city has published to-day an exchange of official communications between yourself and Mr. José A. Godoy, Mexican consul. Among the papers accompanying these notes appears a letter dated the 17th instant, addressed by you to Colonel James, collector of customs, in which you ask him, if, in view of existing instructions, he would believe himself authorized to permit the departure from this port of arms or munitions of war destined for a port of Mexico in possession of the French forces, knowing that these arms and munitions would be made use of by those troops under present circumstances. From this exhibit it might be supposed, general, that shipments of arms and munitions have been made or are preparing here for the French troops to points which they occupy in Mexico. I can in all confidence give you the assurance that no operation of this kind has been attempted, and at present there is no such design entertained. I know too well my duties and the respect which I owe in a neutral country to international agreements to tolerate, if the occasion would have presented itself, such an infraction of the principles admitted by international law.

Consecrating all my efforts, to the asking of the federal authorities in this my place of residence, to prevent the departure of the arms of which Mr. Godoy and General Vega solicit openly may be permitted to go out, it would not comport with my character to favor, for the imperial cause, undertakings of the nature of those which I signalize on the part of the agents of Don Benito Juarez as contrary to neutrality.

The two orders of the 15th and 26th of September last, appearing among the annexed communications above mentioned, and emanating from the collector of customs, addressed to Messrs. H. H. Andrews and G. W. Moore, commanding the revenue cutters Shubrick and J. Lane, were given after an interview which I had the honor of having with Colonel James to bring to his knowledge the clandestine embarkation of arms and munitions which was going on in the bay

for Mexico, for the chiefs of the dissidents, to whom I leave as for the rest the responsibility of the acts which they commit in contravention of the laws of the country.

Without attaching the least importance to the expressions of warm sympathy which Mr. Consul Godoy appears to attribute to you, in his letter of the 19th of October, for the cause which he represents, your character, so honorable in every respect, is, for me, the best guarantee of your desire to have observed here the perfect neutrality which the ancient relations of friendship between France and the United States permit us to look for.

I profit by this occasion, general, to beg you to be pleased to accept new assurances of my high consideration.

The Consul of France,
CAZOTTE.

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
San Francisco, Cal., October 23, 1865.

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, referring to my letter of the 17th instant, to Señor Godoy, published in one of the San Francisco papers.

You state it may be inferred from my letter that arms and munitions of war have been, or are intended to be, sent to the French troops in Mexico from this port; and you assure me this has never been attempted and is not contemplated.

I beg to say that I have not intimated in the letter in question either that such a thing had been done or was to be done.

In it I asked the collector what his course would be in a *supposed* case—this with reference to the statements and arguments of Mr. Godoy.

I know of no instance where arms have been sent, or where it has been attempted to send them, to the French troops in Mexico from this place, and I have no doubt whatever of your assurances in the matter.

You do me but simple justice in bearing witness to the good faith in which I have, as far as has been in my power, enforced a strict neutrality in respect to the existing war in Mexico, for to no one is the fact better known than to yourself.

I have the honor to be, Monsieur le Consul, with great respect, your most obedient servant,

IRVIN McDOWELL,
Major General, Commanding Department.

Monsieur CHARLES DE CAZOTTE,
French Consul at San Francisco, Cal.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 18th instant, a copy of the proceedings of a board of officers in relation to brevet appointments in the regular army.

APRIL 24, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

I transmit herewith a communication of this date, from the Secretary of War, covering a copy of the proceedings of a board of officers in relation to brevet appointments in the regular army, requested in the Senate's resolution of the 18th April, 1866.

ANDREW JOHNSON.

EXECUTIVE MANSION, *Washington April 21, 1866.*

IN THE SENATE OF THE UNITED STATES, *April 18, 1866.*

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interests, the proceedings of the military board recently convened in St. Louis, Missouri, in relation to brevet appointments in the regular army.

Attest:

J. W. FORNEY, *Secretary.*

By W. J. McDONALD, *Chief Clerk.*

WAR DEPARTMENT,
Washington City, April 21, 1866.

MR. PRESIDENT: In compliance with the Senate's resolution of the 18th April, 1866, requesting the President to communicate the proceedings of the board in relation to brevet appointments in the regular army, referred by you to this department, I have the honor to transmit herewith a copy thereof.

Very respectfully, your obedient servant.

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

ST. LOUIS, Mo., *March* 24, 1866.

GENERAL: The undersigned, general officers, assembled in the city of St. Louis, Mo., on the 14th of March, 1866, pursuant to par. 10 of Special Orders No. 92, from the Adjutant General's office, of March 1, 1866, respectfully report that, being personally and officially acquainted with nearly all the officers whose names have been submitted to us, and whose most honorable record is now before us, we feel an embarrassment from an earnest and sincere desire to do all a full and liberal justice, whilst considerations of duty to the future interests of the regular army may lead us to approve of a different course. We are now at the close of a "four years' war," in which vast armies have been engaged in more than a hundred great battles, with sieges, conflicts, and marches innumerable. In all these armies, officers of the old regular army have borne an honorable and conspicuous part, either with their appropriate commands or as general officers in the volunteer organizations, and out of their number we are required to select the names of such only as should receive the brevet commissions of general officers in the new regular army. This new army, we assume, will consist of about fifty regiments of infantry, twelve of cavalry, and five of artillery, aggregating not more than thirty-five or forty thousand men, and sixteen general officers, exclusive of the staff corps.

The object of military rank is to clearly determine the right to command, with the consequent responsibility to government; and as, in certain contingencies, officers holding brevet rank are entitled to command troops, it is manifest the same care should be exercised in conferring this grade as in selecting general officers for regular commissions; and for like reasons the number of brevet generals should not be in undue proportion to the rank and file or combatant part of the army itself—apt to produce the very confusion which military rank was designed to prevent.

If the question were a perfectly new one, we would be inclined to recommend the abolition of the whole system of brevet rank, and to substitute in its place some other mode of reward for special gallantry in action, such as medals commemorative of the event, or to make actual promotions to vacancies without regard to prior rank. But brevet commissions have been conferred in all past wars, and during the present one, so that we are estopped, and compelled to regard them as precedents binding on our judgment.

We have, therefore, limited our action to a strict compliance with the terms of Special Orders No. 92, and have selected lists of names for major generals and brigadier generals, arranging each in the order of rank by brevet which we think they should hold, specifying clearly the action or campaign for which the brevet should be conferred, but fixing subsequent dates from which the rank should take effect, arranging the dates so that no doubt will exist as to the order of their rank. We have also named the actions and campaigns for prior brevets to connect their present army rank with the maximum rank proposed.

It may be superfluous to add, that we are clear of opinion that brevet rank should never be conferred for any kind of military service but for distinguished services in the field in presence of the enemy; and that, if meritorious conduct in the discharge of non-combatant duty be entertained, there would be no end to the confusion created by the very great disproportion of officers with high rank in comparison with the limited number of men. Of course a great number of most meritorious officers will be sadly disappointed; but in the present case, these officers have already received brevet rank in the volunteer army, which, with their honorable record, remains to them as evidence of past service, and forms a just title to future promotion in case of other wars or further increase of the regular army.

We at the same time transmit to you lists of all the names whose claims we have examined for these brevet promotions; and we further state that we have

also examined all names in the Army Register of 1865 of the rank of captain and upwards.

These papers, together with the journal of our sessions, are herewith transmitted and respectfully submitted.

W. T. SHERMAN,
Major General U. S. A.

GEO. G. MEADE,
Major General U. S. A.

GEO. H. THOMAS,
Major General U. S. A.

Brevet Major General E. D. TOWNSEND,
Ass't Adjutant General U. S. A., Washington, D. C.

ADJUTANT GENERAL'S OFFICE, *April 20, 1866.*

Official copy :

E. D. TOWNSEND,
Assistant Adjutant General.

Proceedings of a board of general officers assembled at St. Louis, Missouri, March 14, 1866, pursuant to the following orders:

[Special Orders No. 92.]

HEADQUARTERS OF THE ARMY,
Adjutant General's Office, Washington, March 1, 1866.

* * * * *

10. A board of officers will assemble at St. Louis, Missouri, on March 14, 1866, or as soon thereafter as practicable, to make recommendations for brevet promotion from any brevet or actual rank for which the appointment is already confirmed to the grades of brigadier and major general in the regular army.

In making recommendations the board will be governed by their personal knowledge of the officers they recommend, and by the officer's record of service during the war. The board will make its recommendations either from the list of appointments to these grades already made but not confirmed, or from officers not so appointed.

The recommendations will be of two classes :

1st. For "gallant and meritorious services."

2d. For "faithful service."

Recommendations of the first class will only be for specific actions and campaigns, in which the officer recommended has been present; and where more than one brevet is recommended, the special action or campaign should be stated for which each brevet is recommended.

The Adjutant General will at once forward to the senior officer of the board at St. Louis, Missouri, the recommendations for brevet, and other information necessary for the action of the board, in the case of all officers nominated or recommended for brevet promotion to the grades specified.

Detail of board.—Major General W. T. Sherman, Major General George G. Meade, Major General P. H. Sheridan, Major General George H. Thomas, Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general volunteers, recorder.

* * * * *

By command of Lieutenant General Grant.

E. D. TOWNSEND,
Assistant Adjutant General.

ST. LOUIS, Mo., *March 15, 1866.*

The board met at 10 o'clock, a. m.

Present : Major General W. T. Sherman, Major General Geo. G. Meade, Major General George H. Thomas ; Brevet Lieutenant Colonel L. M. Dayton, recorder.

Absent : Major General P. H. Sheridan.

The papers from the Adjutant General of the United States army not having been received, the board was unable to transact business, and adjourned to meet to-morrow, March 16, 1866, at 10 o'clock a. m.

ST. LOUIS, Mo., *March 16, 1866.*

The board met pursuant to adjournment.

Present : Major General W. T. Sherman, president ; Major General Geo. G. Meade, Major General George H. Thomas ; Brevet Lieutenant Colonel L. M. Dayton, recorder.

Absent : Major General P. H. Sheridan.

The proceedings of yesterday were read and approved.

Communications from Adjutant Generals Townsend and Kelton, transmitting the papers for the action of the board, were read ; also letters from Lieutenant General Grant giving notice to the board that Major General P. H. Sheridan has permission first to make a trip to Florida and Texas before meeting with the board.

The board resolved to proceed to business, without awaiting the arrival of General Sheridan, and at once entered upon an examination of the records.

At two p. m., awaiting copies of certain papers in the hands of clerks, the board adjourned to meet at 10 a. m., on March 17, 1866.

ST. LOUIS, Mo., *March 17, 1866.*

The board met pursuant to adjournment.

Present : Major General W. T. Sherman, president ; Major General Geo. G. Meade, Major General Geo. H. Thomas ; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent : Major General P. H. Sheridan.

The proceedings of yesterday were read and approved.

The board then proceeded in the examination of records in its possession, and at two and a half o'clock adjourned to meet at 10 o'clock a. m., March 19, 1866.

ST. LOUIS, Mo., *March 19, 1866.*

The board met pursuant to adjournment.

Present : Major General W. T. Sherman, president ; Major General Geo. G. Meade, Major General Geo. H. Thomas ; Brevet Lieutenant Colonel L. M. Dayton, recorder.

Absent : Major General P. H. Sheridan.

The proceedings of March 17 were read and approved.

Letter from Colonel J. C. Kelton, assistant adjutant general, transmitting papers for the consideration of the board, were read. The board then proceeded with the examination of papers in its possession, and at 4 p. m. adjourned to meet at 10 a. m., March 20, 1866.

ST. LOUIS, Mo., *March 20, 1866.*

The board met pursuant to previous adjournment.

Present : Major General W. T. Sherman, president ; Major General George G. Meade, Major General George H. Thomas ; Brevet Lieutenant Colonel L. M. Dayton, recorder.

Absent : Major General P. H. Sheridan.

The proceedings of yesterday were read and approved.

A letter from Colonel Kelton, assistant adjutant general, transmitting further records for the consideration of the board, also a telegram asking information as to how long he should continue sending papers for the action of the board, were read.

The board engaged in the examination of records until 4 p. m., when it adjourned to meet at 10 a. m., March 21, 1866.

ST. LOUIS, MO., *March 21, 1866.*

The board met pursuant to adjournment.

Present: Major General W. T. Sherman, president; Major General George G. Meade, Major General George H. Thomas; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent: Major General P. H. Sheridan.

The proceedings of yesterday were read and approved; when the board proceeded in the examination of records, and at 4 o'clock p. m. adjourned to meet at 10 o'clock a. m., March 22, 1866.

ST. LOUIS, MO., *March 22, 1866.*

The board met pursuant to adjournment.

Present: Major General W. T. Sherman, president; Major General George G. Meade, Major General George H. Thomas; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent: Major General P. H. Sheridan.

The record of yesterday's proceedings were read and approved.

The board was engaged in the examination of records until 4 o'clock p. m., and adjourned to meet at 10 o'clock a. m., March 23, 1866.

ST. LOUIS, MO., *March 23, 1866.*

The board met pursuant to adjournment.

Present: Major General W. T. Sherman, president; Major General George G. Meade, Major General George H. Thomas; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent: Major General P. H. Sheridan.

The records of yesterday's proceedings were read and approved.

The board was engaged in the examination of papers until 4 p. m., when it adjourned to meet at 10 a. m., March 24, 1866.

ST. LOUIS, MO., *March 24, 1866.*

The board met pursuant to adjournment.

Present: Major General W. T. Sherman, president; Major General George G. Meade, Major General George H. Thomas; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent: Major General P. H. Sheridan.

The records of yesterday's proceedings were read and approved.

A letter from Colonel J. C. Kelton, assistant adjutant general, transmitting further records for the consideration of the board, was read.

The board proceeded in the examination of papers in its possession, and after comparing the lists of names recommended for promotion by brevet, ordered them to be engrossed for final action.

The board then completed the report to accompany their lists of names recommended for promotion, and at 4 p. m. adjourned to meet at 12 m., March 25, 1866, for final action.

ST. LOUIS, MO., *March 25, 1866.*

The board met pursuant to adjournment.

Present: Major General W. T. Sherman, president; Major General George

G. Meade, Major General George H. Thomas; Brevet Lieutenant Colonel L. M. Dayton, assistant adjutant general, recorder.

Absent: Major General P. H. Sheridan.

The board compared the lists and reports prepared by the recorder, and signed the same, ready for transmittal to the Adjutant General at Washington, D. C.

Having completed the business submitted to them, the board at 2 p. m. adjourned *sine die*.

W. T. SHERMAN,

Major General, President of Board.

L. M. DAYTON,

Brevet Lieut. Col., A. A. G., Recorder of Board.

ADJUTANT GENERAL'S OFFICE, *April 20, 1855.*

Official copy :

E. D. TOWNSEND,

Assistant Adjutant General.

List of officers of the regular army recommended for promotion, by brevet, to the grade of major general in the regular army, for gallant and meritorious services, made by the board of general officers assembled at St. Louis, Missouri, on the 14th of March, 1866, pursuant to Special Order No. 92, paragraph 10, headquarters of the army, dated March 1, 1866.

Number.	Names.	Present rank in the regular army.		Volunteer rank at close of war.		Brevet rank of major general.		
		Commission.	Date.	Commission.	Date.	To date from—	Date of battle.	Name of battle or campaign.
1	Irwin McDowell	Brigadier general	May 14, 1861	Major general	Mar. 14, 1862	July 1, 1865	Aug. 9, 1862	Battle of Cedar Mountain.
2	John Pope	do	July 14, 1862	do	Mar. 21, 1862	do	Apr. 7, 1862	Capture of Island No. 10.
3	Joseph Hooker	do	Sept. 22, 1862	do	May 5, 1862	do	Nov. 24, 1863	Battle of Chattanooga.
4	W. S. Hancock	do	Aug. 12, 1864	do	Nov. 29, 1862	do	May 12, 1864	Battle of Spottsylvania.
5	J. M. Schofield	do	Nov. 30, 1864	do	do	do	Nov. 30, 1864	Battle of Franklin.
6	O. O. Howard	do	Dec. 20, 1864	do	do	do	July 28, 1864	Campaign of Atlanta, (Ezra Church.)
7	A. H. Terry	do	Jan. 15, 1865	do	Jan. 15, 1865	do	Feb. 22, 1865	Capture of Wilmington, N. C.
8	E. O. C. Ord	Major 4th artillery	Nov. 21, 1861	do	May 2, 1862	July 2, 1865	Sept. 29, 1864	Assault of Fort Harrison.
9	John G. Parke	Major engineers	Jan. 17, 1864	do	July 18, 1862	July 3, 1865	Mar. 25, 1865	Repulse of Fort Steedman.
10	D. S. Stanley	Major 5th cavalry	Dec. 1, 1863	do	Nov. 29, 1862	July 4, 1865	Nov. 30, 1864	Battle of Franklin.
11	A. A. Humphrey	Lieut. colonel engineers	Mar. 31, 1863	do	July 8, 1863	July 5, 1865	Apr. 6, 1865	Battle of Sailor's Creek.
12	E. R. S. Canby	Colonel 19th infantry	May 14, 1861	do	May 7, 1864	July 6, 1865	Apr. 9, 1865	Battle of Blakely, and capture of Mobile.
13	H. G. Wright	Major engineers	Aug. 6, 1861	do	May 12, 1864	July 7, 1865	Apr. 2, 1865	Capture of Petersburg.
14	A. J. Smith	Lieut. colonel 5th cavalry	May 9, 1864	do	do	July 8, 1865	Dec. 16, 1864	Battle of Nashville.
15	John Gibbon	Captain 4th artillery	Nov. 21, 1861	do	June 7, 1864	July 9, 1865	Apr. 2, 1865	Capture of Petersburg.
16	Jefferson C. Davis	Captain 1st artillery	May 14, 1861	Brevet major general	Dec. 18, 1861	July 10, 1865	Sept. 1, 1864	Battle of Jonesboro'.
17	Joseph A. Mower	Captain 1st infantry	Sept. 9, 1861	Brigadier general	Aug. 12, 1864	July 11, 1865	Feb. 3, 1865	Affair at Salkehatchee.
18	Thomas J. Wood	Colonel 2d cavalry	Nov. 12, 1861	Major general	Jan. 27, 1865	July 12, 1865	Dec. 16, 1864	Battle of Nashville.
19	Charles R. Woods	Major 18th infantry	Apr. 20, 1864	Brevet major general	Aug. 4, 1863	July 13, 1865	Mar. 19, 1865	Battle of Bentonville, N. C.
20	James H. Wilson	Captain engineers	June 1, 1863	Brevet major general	Oct. 30, 1863	July 14, 1865	Apr. 2, 1865	Capture of Selma.

List of officers of the regular army recommended for promotion, &c.—Continued.

Number.	Names.	Brevet rank of brigadier general.		Brevet rank of colonel.		Brevet rank of lieutenant colonel.		Brevet rank of major.	
		To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.
1	Irwin McDowell.....	.....	.....	.....	.....	.....	.....	.....	.....
2	John Pope.....	.....	.....	.....	.....	.....	.....	.....	.....
3	Joseph Hooker.....	.....	.....	.....	.....	.....	.....	.....	.....
4	W. S. Hancock.....	.....	.....	.....	.....	.....	.....	.....	.....
5	J. M. Schofield.....	.....	.....	.....	.....	.....	.....	.....	.....
6	O. O. Howard.....	.....	.....	.....	.....	.....	.....	.....	.....
7	A. H. Terry.....	.....	.....	.....	.....	.....	.....	.....	.....
8	E. O. C. Ord.....	Oct. 5, 1862	Battle of Hatchie.....	Sept. 19, 1862	Battle of Iuka.....	Dec. 20, 1861	Battle of Drainsville, Va.	.....	.....
9	John G. Parke.....	Dec. 3, 1863	Defence of Knoxville.	July 12, 1863	Capture of Jackson, Miss.	Apr. 26, 1862	Capture of Fort Macon, N. C.	.....	.....
10	D. S. Stanley.....	July 4, 1864	Battle of Ruff's Station.	May 15, 1864	Battle of Resaca.....	Dec. 31, 1862	Battle of Stone River.....	.....	.....
11	A. A. Humphrey.....	July 2, 1863	Battle of Gettysburg.	Dec. 13, 1862	Battle of Fredericksburg.	.....	.....	.....	.....
12	E. R. S. Canby.....	Feb. 21, 1862	Battle of Valverde, N. M.	.....	.....	.....	.....	.....	.....
13	H. G. Wright.....	June 3, 1864	Battle of Cold Harbor.	May 12, 1864	Battle of Spottsylvania.	Nov. 8, 1863	Battle of Rappannock Station.	.....	.....
14	A. J. Smith.....	July 14, 1864	Battle of Tupelo.....	Apr. 10, 1864	Battle of Pleasant Hill, La.	.....	.....	.....	.....
15	John Gibbon.....	May 12, 1864	Battle of Spottsylvania.	July 4, 1863	Battle of Gettysburg....	Dec. 13, 1862	Battle of Fredericksburg.	Sept. 17, 1862	Battle of Antietam.
16	Jefferson C. Davis....	June 27, 1864	Battle of Kenesaw....	May 20, 1864	Capture of Rome.....	May 15, 1864	Battle of Resaca, Ga....	Mar. 9, 1862	Battle of Pea Ridge, Ark.
17	Joseph A. Mower.....	Mar. 13, 1864	Battle of Fort De Russay.	May 14, 1863	Capture of Jackson, Miss.	Sept. 19, 1862	Battle of Iuka.....	May 9, 1862	Battle of Farmington, Miss.
18	Thomas J. Wood.....	Sept. 20, 1863	Battle of Chickamauga.	.....	.....	.....	.....	.....	.....
19	Charles R. Woods.....	July 22, 1864	Battle of Atlanta.....	Nov. 24, 1863	Battle of Chattanooga....	July 4, 1863	Capture of Vicksburg....	.....	.....
20	James H. Wilson.....	Dec. 16, 1864	Battle of Nashville....	May 5, 1864	Battle of the Wilderness.	Nov. 24, 1863	Battle of Chattanooga....	Apr. 11, 1862	Capture of Fort Pulaski.

W. T. SHERMAN, Major General.
 GEORGE G. MEADE, Major General U. S. A.
 GEORGE H. THOMAS, Major General U. S. A.

L. M. DAYTON, Brevet Lieut. Col. and A. A. General, Recorder.

ADJUTANT GENERAL'S OFFICE, April 20, 1866.

E. D. TOWNSEND, Assistant Adjutant General.

Official copy:

List of officers of the regular army recommended for promotion, by brevet, to the grade of brigadier general in the regular army for gallant and meritorious services, made by the board of general officers assembled at St. Louis, Missouri, on the 14th of March, 1866, pursuant to Special Orders No. 92, paragraph 10, from the headquarters of army, dated March 1, 1866.

Number.	Names.	Present rank in regular army.		Volunteer rank at close of war.		Brevet rank as brigadier general.		
		Commission.	Date.	Commission.	Date.	To date from—	Date of battle or campaign.	Name of battle or campaign.
1	David Hunter	Col. 6th cavalry	May 14, 1861	Maj. General	Aug. 13, 1861	July 1, 1865	June 5, 1864	Campaign in Valley of Virginia; battle of Piedmont.
2	Alex. McD. McCook	Capt. 3d infantry	May 14, 1861	do	July 17, 1862	July 2, 1865	Oct. 8, 1862	Battle of Perryville.
3	J. G. Foster	Maj. engineers	Mar. 3, 1863	do	July 18, 1862	July 3, 1865	Dec. 21, 1864	Capture of Savannah.
4	C. C. Augur	Lt. Col. 12th infantry	July 1, 1863	do	Aug. 9, 1862	July 4, 1865	July 8, 1863	Capture of Port Hudson.
5	Gordon Granger	Capt. 3d cavalry	May 5, 1861	do	Sept. 17, 1862	July 5, 1865	May 28, 1865	Capture of Mobile.
6	George Stoneman	Lt. Col. 3d cavalry	Mar. 20, 1864	do	Nov. 29, 1862	July 6, 1865	Mar. 30, 1865	Capture of Charlotte, N. C.
7	George Sykes	Lt. Col. 5th infantry	Oct. 16, 1863	do	Nov. 29, 1862	July 7, 1865	July 2, 1863	Battle of Gettysburg.
8	Fred'k Steele	Lt. Col. 3d infantry	Aug. 26, 1863	do	Nov. 29, 1862	July 8, 1865	Sept. 10, 1864	Capture of Little Rock.
9	G. L. Hartsuff	Lt. Col. A. A. G.	June 1, 1864	do	Nov. 29, 1862	July 9, 1865	April 9, 1865	Surrender of Lee.
10	G. K. Warren	Maj. engineers	June 25, 1864	do	May 3, 1863	July 10, 1865	Oct. 11, 1863	Battle of Bristow Station.
11	A. Pleasonton	Maj. 2d cavalry	Feb. 16, 1862	do	June 22, 1863	July 11, 1865	Oct. 23, 1864	Campaign against Price in Mo.
12	Q. A. Gillmore	Maj. engineers	June 1, 1863	do	July 10, 1863	July 12, 1865	Sept. 7, 1863	Capture of Fort Wagner.
13	W. F. Smith	Maj. engineers	Mar. 3, 1863	do	Mar. 9, 1864	July 13, 1865	Nov. 24, 1863	Battle of Chattanooga.
14	George Crook	Capt. 4th infantry	May 14, 1861	do	Oct. 21, 1864	July 14, 1865	May 18, 1864	Campaign in West Virginia.
15	Godfrey Weitzel	Capt. engineers	Mar. 3, 1863	do	Nov. 17, 1864	July 15, 1865	April 9, 1865	Surrender of Lee.
16	W. B. Hazen	Capt. 8th infantry	May 14, 1861	do	Dec. 13, 1864	July 16, 1865	Dec. 13, 1864	Capture of Fort McAllister.
17	Wesley Merritt	Capt. 2d cavalry	April 5, 1862	do	April 1, 1865	July 17, 1865	April 1, 1865	Battle of Five Forks.
18	George A. Custer	Capt. 5th cavalry	May 8, 1864	do	April 3, 1865	July 18, 1865	April 1, 1865	Do.
19	T. W. Sherman	Col. 3d artillery	June 1, 1863	Brig. General	May 17, 1861	July 19, 1865	July 8, 1863	Capture of Port Hudson.
20	J. B. Ricketts	Maj. 1st artillery	June 1, 1863	do	July 21, 1861	July 20, 1865	Oct. 19, 1864	Battle of Cedar Creek.
21	H. W. Benham	Lt. Col. engineers	Mar. 3, 1863	do	Aug. 13, 1861	July 21, 1865	April 9, 1865	Surrender of Lee.
22	William F. Barry	Lt. Col. 1st artillery	Aug. 1, 1863	do	Aug. 20, 1861	July 22, 1865	April 26, 1865	Surrender of Johnston.
23	J. G. Barnard	Lt. Col. engineers	Mar. 3, 1863	do	Sept. 23, 1861	July 23, 1865	April 9, 1865	Surrender of Lee.
24	Seth Williams	Lt. Col. A. A. G.	July 17, 1862	do	Sept. 23, 1861	July 24, 1865	April 9, 1865	Do.
25	John Newton	Maj. engineers	Aug. 6, 1861	do	Sept. 23, 1861	July 25, 1865	July 20, 1864	Campaign of Atlanta; battle of Peach Tree Creek.
26	J. M. Brannan	Maj. 1st artillery	Aug. 1, 1863	do	Sept. 28, 1861	July 26, 1865	Sept. 1, 1864	Campaign of Atlanta.
27	R. W. Johnson	Maj. 4th cavalry	July 17, 1862	do	Oct. 11, 1861	July 27, 1865	Dec. 16, 1864	Battle of Nashville.
28	Z. B. Tower	Maj. engineers	Aug. 6, 1861	do	Nov. 23, 1861	July 28, 1865	Aug. 30, 1862	Battle of Groveton.
29	J. W. Davidson	Maj. 2d cavalry	Nov. 14, 1861	do	Feb. 3, 1862	July 29, 1865	Sept. 10, 1863	Capture of Little Rock.
30	Eugene A. Carr	Maj. 5th cavalry	July 17, 1862	do	Mar. 7, 1862	July 30, 1865	Sept. 10, 1863	Do.
31	W. H. Emory	Col. 5th cavalry	Oct. 27, 1863	do	Mar. 17, 1862	July 31, 1865	Oct. 19, 1864	Campaign of Shenandoah Valley; battle of Cedar Creek.
32	Cuvier Grover	Maj. 3d infantry	Aug. 31, 1863	do	April 14, 1862	Aug. 1, 1865	Oct. 19, 1864	Do.
33	S. W. Crawford	Lt. Col. 2d infantry	Feb. 17, 1864	do	April 25, 1862	Aug. 2, 1865	April 1, 1865	Battle of Five Forks.
34	J. H. Carleton	Maj. 6th cavalry	Sept. 7, 1861	do	April 28, 1862	Aug. 3, 1865	May 24, 1865	Services in New Mexico.

List of officers of the regular army recommended for promotion, &c.—Continued.

Number.	Names.	Present rank in regular army.		Volunteer rank at close of war.		Brevet rank as brigadier general.		
		Commission.	Date.	Commission.	Date.	To date from—	Date of battle or campaign.	Name of battle or campaign.
35	Absalom Baird	Maj. and Insp. General	Nov. 12, 1861	Brig. General	April 28, 1862	Aug. 4, 1865	Sept. 1, 1864	Capture of Atlanta.
36	J. C. Robinson	Maj. 2d infantry	Feb. 20, 1862	do.....	April 28, 1862	Aug. 5, 1865	May 8, 1864	Battle of Spettsylvania.
37	Truman Seymour	Capt. 5th artillery	Nov. 22, 1860	do.....	April 28, 1862	Aug. 6, 1865	April 2, 1865	Capture of Petersburg.
38	Charles Griffin	Capt. 5th artillery	April 25, 1861	do.....	June 9, 1862	Aug. 7, 1865	April 1, 1865	Battle of Five Forks.
39	W. L. Elliott	Maj. 1st cavalry	Nov. 5, 1861	do.....	June 11, 1862	Aug. 8, 1865	Dec. 16, 1864	Battle of Nashville.
40	H. J. Hunt	Lt. Col. 3d artillery	Aug. 1, 1863	do.....	Sept. 15, 1862	Aug. 9, 1865	April 9, 1865	Siege of Petersburg; surrender of Lee.
41	G. W. Getty	Maj. 5th artillery	Aug. 1, 1863	do.....	Sept. 25, 1862	Aug. 10, 1865	April 2, 1865	Capture of Petersburg.
42	Alfred Sully	Maj. 8th infantry	Mar. 15, 1862	do.....	Sept. 26, 1862	Aug. 11, 1865	Sept. 3, 1863	Campaign in N. W. against Indians; battle of White Stone Hill.
43	Robert S. Granger	Maj. 5th infantry	Sept. 9, 1861	do.....	Oct. 20, 1862	Aug. 12, 1865	Oct. 30, 1864	Defense of Decatur, Ala.
44	John H. King	Lt. Col. 14th infantry	June 1, 1863	do.....	Nov. 29, 1862	Aug. 13, 1865	July 4, 1864	Battle of Ruff's Station.
45	Frank Wheaton	Maj. 2d cavalry	Nov. 5, 1863	do.....	Nov. 29, 1862	Aug. 14, 1865	April 3, 1865	Capture of Petersburg.
46	William P. Carlin	Maj. 16th infantry	Feb. 8, 1864	do.....	Nov. 29, 1862	Aug. 15, 1865	Mar. 19, 1865	Battle of Bentonville.
47	R. B. Ayres	Capt. 5th artillery	May 14, 1861	do.....	Nov. 29, 1862	Aug. 16, 1865	April 1, 1865	Battle of Five Forks.
48	R. O. Tyler	Capt. A. Q. M.	May 17, 1861	do.....	Nov. 29, 1862	Aug. 17, 1865	June 3, 1864	Battle of Cold Harbor.
49	A. T. A. Torbert	Capt. 5th infantry	Sept. 25, 1861	do.....	Nov. 29, 1862	Aug. 18, 1865	Oct. 19, 1864	Battle of Cedar Creek.
50	Adelbert Ames	Capt. 5th artillery	June 11, 1864	do.....	May 20, 1863	Aug. 19, 1865	Jan. 15, 1865	Capture of Fort Fisher.
51	Judson Kilpatrick	Capt. 1st artillery	Nov. 30, 1864	do.....	June 13, 1863	Aug. 20, 1865	Mar. 10, 1865	Capture of Fayetteville, N. C.
52	A. S. Webb	Capt. 11th infantry	May 14, 1861	do.....	June 23, 1863	Aug. 21, 1865	April 9, 1865	Surrender of Lee.
53	Kenner Garrard	Maj. 3d cavalry	Nov. 2, 1863	do.....	July 23, 1863	Aug. 22, 1865	Dec. 16, 1864	Battle of Nashville.
54	S. S. Carroll	Capt. 10th infantry	Nov. 1, 1861	do.....	May 12, 1864	Aug. 23, 1865	May 12, 1864	Battle of Spottsylvania.
55	E. Upton	Capt. 5th artillery	Feb. 22, 1865	do.....	May 12, 1864	Aug. 24, 1865	April 2, 1865	Battle and capture of Selma.
56	John B. McIntosh	Capt. 5th cavalry	Dec. 7, 1863	do.....	July 21, 1864	Aug. 25, 1865	Sept. 19, 1864	Battle of Winchester, Va.
57	Eli Long	Capt. 4th cavalry	May 24, 1861	do.....	Aug. 18, 1864	Aug. 26, 1865	April 2, 1865	Battle and capture of Selma, Ala.
58	Louis D. Watkins	Capt. 5th cavalry	July 17, 1862	Col. and Bvt. Brig. Gen. ....	.....	Aug. 27, 1865	Oct. 14, 1864	Defense of Resaca, Ga.
59	Sidney Burbank	Col. 2d infantry	Sept. 16, 1862	None .....	.....	Aug. 28, 1865	July 2, 1863	Battle of Gettysburg.
60	R. C. Buchanan	Col. 1st infantry	Feb. 8, 1864	None .....	.....	Aug. 29, 1865	Aug. 30, 1862	Battle of Groveton.
61	J. C. Duane	Maj. engineers	Mar. 3, 1863	None .....	.....	Aug. 30, 1865	April 9, 1865	Siege of Petersburg; surrender of Lee.
62	H. F. Clarke	Lt. Col. C. S.	Jan. 29, 1864	Col. and A. D. C.	Sept. 28, 1861	Aug. 31, 1865	July 4, 1863	Gettysburg.
63	A. Beckwith	Maj. C. S.	Sept. 29, 1861	do.....	Jan. 1, 1862	Sept. 1, 1865	April 26, 1865	Surrender of Johnson.
64	C. B. Comstock	Capt. engineers	Mar. 3, 1863	Lt. Col. and A. D. C. ....	.....	Sept. 2, 1865	April 9, 1865	Capture of Mobile.
65	O. M. Poe	Capt. engineers	Mar. 3, 1863	None .....	.....	Sept. 3, 1865	April 26, 1865	Surrender of Johnston.
66	J. H. Potter	Maj. 19th infantry	July 4, 1863	None .....	.....	Sept. 4, 1865	April 9, 1865	Surrender of Lee.

List of officers of the regular army recommended for promotion, &c.—Continued.

Number.	Names.	Brevet rank as colonel.		Brevet rank as lieutenant colonel.		Brevet rank as major.	
		To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.
1	David Hunter	April 7, 1862	Battle of Shiloh.	Mar. 3, 1862	Capture of Nashville	July 21, 1861	Battle of Bull Run.
2	Alex. McD. McCook	Mar. 12, 1862	Capture of Newbern.	Feb. 8, 1862	Capture of Roanoke Island		
3	J. G. Foster	Aug. 9, 1862	Battle of Cedar Mountain	Sept. 20, 1863	Battle of Chickamauga	Aug. 10, 1861	Battle of Wilson's Creek.
4	C. C. Augur	Nov. 24, 1863	Battle of Chattanooga				
5	Gordon Granger	Dec. 13, 1862	Battle of Fredericksburg				
6	George Stoneman	June 26, 1862	Battle of Gaines's Mill				
7	George Sykes	July 4, 1863	Capture of Vicksburg				
8	Fred'k Steele	Sept. 17, 1862	Battle of Antietam	June 26, 1862	Battle of Gaines's Mill		
9	G. L. Hartsuff	July 4, 1863	Battle of Gettysburg	Sept. 17, 1862	Battle of Antietam		
10	G. K. Warren	July 2, 1863	do.	April 11, 1862	Capture of Fort Pulaski		
11	E. Pleasonton	Mar. 30, 1863	Battle of Somerset, Ky.	June 27, 1862	Battle of White Oak Swamp		
12	Q. A. Gillmore	Sept. 17, 1862	Battle of Antietam	Sept. 17, 1862	Battle of Antietam		
13	W. F. Smith	Oct. 7, 1863	Battle of Farmington, Tenn.	July 8, 1863	Capture of Port Hudson	May 21, 1862	Battle of Louisburg.
14	George Crook	Sept. 29, 1864	Capture of Fort Harrison	Nov. 24, 1863	Battle of Chattanooga	Oct. 27, 1862	Battle of Thibodeaux.
15	Godfrey Weitzel	Sept. 1, 1864	Capture of Atlanta	May 11, 1864	Battle of Yellow Tavern	Sept. 20, 1863	Battle of Chickamauga.
16	W. B. Hazen	May 28, 1864	Battle of Haw's Shop	May 11, 1864	do.	July 1, 1863	Battle of Gettysburg.
17	Wesley Merritt	Sept. 19, 1864	Battle of Winchester, Va.	May 11, 1864	do.	Do.	
18	George A. Custer						
19	T. W. Sherman	June 3, 1864	Battle of Cold Harbor	July 21, 1861	Battle of Bull Run		
20	J. B. Ricketts	July 13, 1861	Battle of Carrick's Ford				
21	H. W. Benham	Sept. 1, 1864	Capture of Atlanta				
22	William F. Barry	June 30, 1862	Campaign of the Peninsula				
23	J. G. Barnard	July 3, 1863	Battle of Gettysburg	Sept. 17, 1862	Battle of Antietam		
24	Seth Williams	July 3, 1863	Battle of Gettysburg	Sept. 25, 1862	Battle of Jacksonville, Fla.		
25	John Newton	Sept. 20, 1863	Battle of Chickamauga	Sept. 20, 1863	Battle of Chickamauga		
26	J. M. Brannan	Nov. 24, 1863	Battle of Chattanooga	Nov. 22, 1861	Defense of Fort Pickens		
27	R. W. Johnson	Aug. 9, 1862	Battle of Cedar Mountain	June 27, 1862	Battle of Gaines's Mill		
28	Z. B. Tower	June 28, 1862	Battle of Golding's Farm	Aug. 10, 1861	Battle of Wilson's Creek		
29	J. W. Davidson	May 17, 1863	Action of the Black River Bridge	May 5, 1862	Battle of Williamsburg		
30	Eugene A. Carr	May 31, 1862	Battle of Fair Oaks				
31	W. H. Emory	July 2, 1863	Battle of Gettysburg				
32	Cuvier Grover	Nov. 24, 1863	Battle of Chattanooga	Sept. 20, 1863	Battle of Chickamauga		
33	S. W. Crawford	May 5, 1864	Battle of the Wilderness	July 1, 1863	Battle of Gettysburg		
34	J. H. Carleton	Sept. 17, 1862	Battle of Antietam	Sept. 14, 1862	Battle of South Mountain	April 14, 1861	Defence of Fort Sumter.
35	Absalom Baird	Aug. 18, 1864	Battle of Weldon Railroad	May 6, 1864	Battle of the Wilderness	July 21, 1861	Battle of Bull Run.
36	J. C. Robinson	May 30, 1862	Siege of Corinth; raid on M. and O. railroad.	April 7, 1862	Capture of Island No. 10		
37	Truman Seymour	July 3, 1863	Battle of Gettysburg				
38	Charles Griffin						
39	W. L. Elliott						
40	H. J. Hunt						

List of officers of the regular army recommended for promotion, &c.—Continued.

Number.	Names.	Present rank as colonel.		Brevet rank as lieutenant colonel.		Brevet rank as major.	
		To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.	To date from—	Name of battle or campaign.
41	G. W. Getty.	May 5, 1864	Battle of the Wilderness	April 19, 1863	Siege of Suffolk.	.....	.....
42	Alfred Sully.	July 1, 1862	Battle of Malvern Hill	June 1, 1862	Battle of Fair Oaks.	.....	.....
43	Robert S. Granger.	Oct. —, 1862	Battle of Lawrenceburg, Ky	.....	.....	.....	.....
44	John H. King	Sept. 20, 1863	Battle of Chickamauga.	.....	.....	.....	.....
45	Frank Wheaton	Oct. 19, 1864	Battle of Cedar Creek.	.....	.....	.....	.....
46	William P. Carlin	Sept. 1, 1864	Battle of Jonesboro'	May 5, 1864	Battle of the Wilderness.	.....	.....
47	R. B. Ayres.	Aug. 18, 1864	Battle of Weldon Railroad	Nov. 24, 1863	Battle of Chattanooga	.....	.....
48	R. O. Tyler	May 17, 1864	Battle of Spottsylvania.	May 5, 1864	Battle of the Wilderness.	.....	.....
49	A. T. A. Torbert	Sept. 19, 1864	Battle of Winchester, Va.	July 2, 1863	Battle of Gettysburg	July 2, 1863	Battle of Gettysburg.
50	Adelbert Ames	July 1, 1863	Battle of Gettysburg	May 28, 1864	Battle of Haw's Shop	Dec. 13, 1862	Battle of Fredericksburg.
51	Judson Kilpatrick.	May 13, 1864	Battle of Resaca, Ga.	July 1, 1862	Battle of Malvern Hill.	.....	.....
52	A. S. Webb.	May 12, 1864	Battle of Spottsylvania.	July 3, 1863	Battle of Gettysburg	June 17, 1863	Battle of Aldie.
53	Kenner Garrard.	July 22, 1864	Expedition to Covington, Ga	Oct. 11, 1863	Battle of Bristow Station	July 3, 1863	Battle of Gettysburg.
54	S. S. Carroll.	May 5, 1864	Battle of the Wilderness.	July 2, 1863	Battle of Gettysburg.	.....	.....
55	E. Upton.	Sept. 19, 1864	Battle of Winchester, Va.	July 3, 1863	do.	May 3, 1863	Battle of Chancellorsville.
56	John B. McIntosh	June 1, 1864	Battle of Ashland, Va.	May 10, 1864	Battle of Spottsylvania.	Nov. 8, 1863	Battle of Rappahannock Station.
57	Eli Long	Aug. 21, 1864	Battle of Lovejoy's Station	July 3, 1863	Battle of Gettysburg	Aug. 5, 1862	Battle of White Oak Swamp.
58	Louis D. Watkins.	June 24, 1864	Battle of Lafayette, Ga	Dec. 3, 1863	Defense of Knoxville.	Oct. 7, 1862	Battle of Farmington, Tenn.
59	Sidney Burbank.	.....	.....	Mar. 5, 1863	Battle of Thompson's Station	June —, 1863	Expedition into East Tennessee under General Carter.
60	R. C. Buchanan.	.....	.....	.....	.....	.....	.....
61	J. C. Duane.	.....	.....	.....	.....	.....	.....
62	H. F. Clarke.	Sept. 11, 1863	Campaign in Maryland	.....	.....	.....	.....
63	A. Beckwith	Sept. 1, 1864	Campaign of Atlanta.	.....	.....	.....	.....
64	C. B. Comstock.	Jan. 15, 1865	Capture of Fort Fisher.	.....	.....	.....	.....
65	O. M. Poe.	.....	.....	.....	.....	.....	.....
66	J. H. Potter.	May 3, 1863	Battle of Chancellorsville	Dec. 3, 1862	Battle of Fredericksburg.	.....	.....

W. T. SHERMAN, Major General.

GEORGE G. MEADE, Major General U. S. A.

GEORGE H. THOMAS, Major General U. S. A.

ADJUTANT GENERAL'S OFFICE, April 20, 1865.

Official copy:

E. D. TOWNSEND, Assistant Adjutant General.

LETTER
FROM
THE SECRETARY OF THE NAVY,
COMMUNICATING,

In compliance with a resolution of the Senate of the 24th ultimo, copies of orders of department which deprive officers of the navy who are not on duty, of the privilege of citizens.

MAY 1, 1866.—Read, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVY DEPARTMENT, April 30, 1866.

SIR: The following resolution was adopted by the Senate on the 24th instant: "*Resolved*, That the Secretary of the Navy be requested to communicate to the Senate copies of any orders of the department which deprive officers of the navy who are not on duty, of the privileges of citizens of the United States with respect to their privileges of passing from one State to another, or to the city of Washington; also, whether the department has refused to permit officers to visit Washington for the purpose of personal appeal to the President of the United States or to Congress, in their own cases; and if so, by what authority this right is withdrawn from them as citizens of the United States."

In compliance with the request contained in this resolution, I have the honor to transmit herewith, copies of such orders and decisions of the department as appear to be embraced within the call for information.

In reply to so much of the resolution as inquires "by what authority this right is withdrawn from officers of the navy" as "citizens of the United States," it is respectfully suggested that the department cannot consider such officers, whether on duty or not, as entitled to the same privileges and rights in all respects as other citizens of the United States.

When an individual enters the military service of the country, whether in the army or navy, he necessarily surrenders rights and privileges which other citizens enjoy, and becomes amenable to military law and discipline. This subjection to military control continues so long as he may choose to remain in the service, and the restraint is much greater on petty officers and privates than on persons who hold commissions. Any suspension of military control over a person in service, whether an officer or private, is an indulgence which may be modified or withdrawn without infringing upon his rights as a citizen. It is only by indulgence or permission that an officer in the service of the government, and receiving his pay from the public treasury, is at any time "not on duty," and this permission may at any moment be either withdrawn or qualified if the interests of the service or the maintenance of discipline require it to be done. If the public service demands it, an officer may be kept continually on duty without impairing his rights or privileges. His whole time belongs to the public, and all his movements are subject to checks and restraints to which

private citizens, not in the employ or pay of the government, are not liable. This species of control is indispensable to the maintenance of military discipline.

A private citizen has the privilege of quitting the United States and traveling abroad whenever he chooses to do so, but no officer of the navy, even when not on duty, has ever been allowed to leave the United States without the special permission of the department. The authority of the department to impose this restraint has never been questioned, and by the same authority the movements of officers "not on duty" may be still further restrained. There can be no question as to the sufficiency of this authority. The only question can be as to the necessity or propriety of such restraint, and this question might be raised with respect to any and every restraint imposed by the orders or regulations of the department.

The recent regulation curtailing the privilege which officers of the navy had enjoyed, of visiting the seat of government at pleasure, when not on duty, is similar to one which has long been in existence with respect to officers of the army, although the navy regulation is less stringent than the army orders now in force. Until the recent war, during which the services of every available officer of the navy were needed on duty, afloat or ashore, the necessity of such a regulation was even greater with respect to officers of the navy than with respect to those of the army. And now that the war has closed, the necessity of some regulation on the subject has again become manifest. As a general rule, officers of the army are always on duty, and must, therefore, necessarily ask permission to quit their duties. But in ordinary times, officers of the navy cannot be expected to be always afloat, and the usage is to relieve them after a certain term in their sea-duties, by ordering others. As, however, the amount of shore duty to be performed is limited, the consequence is, that a considerable portion of them are left unemployed for large intervals of time. This has given those of them who have been so disposed abundant leisure to resort to the seat of government and besiege the Executive, the department, and members of Congress with applications having mostly only personal ends in view. Their solicitations may be agreeable to some, but to others they are annoying. The general tendency of their importunate efforts to obtain their ends is detrimental to the public service and to a fair and impartial administration.

The honest claims and just interests of the meritorious and absent are apt to be overlooked when yielding to the importunities and plausible statements of those who are present, and thus an unfair advantage is taken of those who are employed in the faithful discharge of their duties on distant service remote from Washington.

There is no necessity for this state of things; on the contrary, it should be avoided. The combinations and results effected by indifferent officers at the seat of government, through influential friends and partial representations, are often very unjust.

The department is the proper guardian of the interests of the service, and of the legitimate interests of all belonging to it. The views of the older and more experienced officers of the navy, with regard to means affecting its interests, are always sought and respectfully considered by the department, and its own views, with all the information on its files, have been freely communicated when called for by either branch of Congress.

This is sufficient, perhaps, in regard to the object and inquiries of the resolution, and of the policy of the department in the regulations which have been established to promote the efficiency of the service. I may further and more definitely state, however, that the department has never refused to permit officers to visit Washington for the purpose of personal appeal to Congress in their own cases. As regards personal appeals to the President, there is one instance in which an officer who had been placed upon the retired list for drunkenness, and the proceedings of the board which retired him had been

confirmed by President Lincoln, who made application to visit the seat of government in order to get a reversal of those proceedings. His application was granted; but on making a second application to revisit Washington and present his appeal to the President, a permit was refused. The case was of such a character that there was not the remotest probability that he could have procured the laws to be set aside for his special benefit, although he would probably have been aided by powerful family and political influence. With this exception, I am aware of no refusal to "permit officers to visit Washington for the purpose of personal appeal to the President of the United States or to Congress."

These explanations, respectfully submitted in reference to the resolution of the Senate, should not be understood as relinquishing in any degree the executive authority, or as evading the just responsibility of the department in its efforts to regulate the naval service. Laws for the government of the navy are within the constitutional competency of Congress, and have been duly enacted. Their execution, through appropriate orders and regulations, is the duty of this department, under the direction of the President. It is a duty to be performed according to the best judgment of the department, with careful regard to the requirements of the law and the exigencies and interests of the public service. In this view and purpose, the regulations herewith transmitted have been adopted and enforced.

Very respectfully, &c.,

GIDEON WELLES,

Secretary of the Navy.

HON. LAFAYETTE S. FOSTER,

President of the Senate pro tem., Washington, D. C.

United States Navy regulations.

EXTRACTS FROM REGULATION CIRCULAR, NO. 2.

16. Officers not on duty, or on leave of absence, are to keep the department at all times advised of their particular address in the State or Territory in which they reside.

17. The residence of an officer is within the State or Territory which he habitually makes his home when off duty, and the appropriate column in the Navy Register will designate whatever State or Territory officers may select as their residence. No officer making such selection will afterwards change it or his residence without the authority of the Secretary of the Navy.

18. No officer under arrest, or suspension, or on furlough, will leave the State or Territory of which he is a resident, or visit the Navy Department, without the authority of the Secretary of the Navy.

19. No officer, whose residence is without the District of Columbia, will come within the limits of the same without the permission of the Secretary of the Navy. Every officer applying for permission to visit the District of Columbia will state the object which induces his application and the period and length of his intended visit.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 19th ultimo, a report from Benjamin C. Truman relative to the condition of the southern people and the States in which the rebellion existed.

MAY 8, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In compliance with the resolution of the Senate of the 19th ultimo, I transmit herewith a report from Benjamin C. Truman relative to the condition of the southern people and the States in which the rebellion existed.

ANDREW JOHNSON.

WASHINGTON, D. C., May 7, 1866.

WASHINGTON CITY, D. C., April 9, 1866.

SIR : I have the honor to make the following report of my observations in the south, and my information concerning affairs and the people in that section :

I arrived at Montgomery, Alabama, about the 1st of September, 1865, and remained in the south thirty-one weeks, or nearly eight months, during which time I travelled over nearly every portion of eight of the eleven seceded States, viz : Alabama, Georgia, Florida, Tennessee, Arkansas, Mississippi, Louisiana, and Texas. I remained in Alabama from the 1st of September, 1865, until the 15th day of October of the same year. From there I went to Georgia, where I remained until the 7th of December, when I left that State for Florida, where I remained until the 20th. Subsequently I spent two weeks in Tennessee, one week in Arkansas, one week in Mississippi, two weeks in Louisiana, and four weeks in Texas. In this time I visited all of the large and important cities of the south, and made frequent and extended stops upon many of the largest plantations. I passed over nearly all of the railroads in the above-named States, was upon all of the navigable rivers, and travelled seven hundred-odd miles in stage coaches. I called upon all of the general officers commanding posts, districts, and departments in the eight States above mentioned, and also upon all of the commissioners of freedmen, except General Fisk, and many other officers connected with the Freedmen's Bureau. I also conversed with at least one-third of the ex-generals of the late confederate army, and large numbers of southern politicians and southern people generally, including ministers of the Gospel, editors of newspapers, and others in professional capacities.

From my close and careful observation, in addition to what seems to me to

have been my correct and varied sources of information, I derived the impressions which, with entire candor and frankness, I will endeavor briefly to set forth.

I will speak first of the sentiments of the white people, touching their relations with the general government and the people of the north.

I distinguish between *loyalty* and *patriotism*; and I believe the distinction not ill-grounded. That glorious spontaneous burst of popular enthusiasm with which the north responded as one man to the echoing thunders of Sumter was the most sublime exhibition of *patriotism* the world has yet witnessed; the quietness, and even cheerfulness, with which the same people once yielded obedience to the rule of James Buchanan, whose administration they hated and despised, was an instance of *loyalty*, such as only American citizens could have furnished.

The north never rebelled against James Buchanan, nor seriously proposed to; but I assert without hesitation, that, now the war has swept over the south, there is no more disposition in that section of the country to rebel against the national government than there was in the north at the time above referred to.

If any general assertion can be made that will apply to the masses of the people of the south, it is that they are at the present time *indifferent* toward the general government. For four years of eventful life as a nation, they were accustomed to speak of and regard "our government" as the one which had its seat in Richmond; and thousands who at first looked upon that government with great suspicion and distrust, gradually, from the mere lapse of time and the force of example, came to admit it into their ideas as *their* government. The great body of the people in any country always move slowly; the transfer of allegiance from one *de facto* government to another is not effected in a day, whatever oaths of loyalty may be taken; and I have witnessed many amusing instances of mistakes on the part of those of whose attachment to the government there could be no question. Ignorance and prejudice always lag furthest behind any radical change, and no person can forget that the violent changes of the past few years have left the ideas of the populace greatly unsettled and increased their indifference. Fully one-half of the southern people never cherished an educated and active attachment to any government that was over them, and the war has left them very much as it found them.

The rank and file of the disbanded southern army—those who remained in it to the end—are the backbone and sinew of the south. Long before the surrender, corps, divisions, brigades, and regiments had been thoroughly purged of the worthless class—the skulkers—those of whom the south, as well as any other country, would be best rid; and these it is that are now prolonging past bitternesses. These are they, in great part, as I abundantly learned by personal observation, that are now editing reckless newspapers, and that put forth those pernicious utterances that so little represent the thinking, substantial people, and are so eagerly seized out and paraded by certain northern journalists, who themselves as little represent the great north. To the disbanded regiments of the rebel army, both officers and men, I look with great confidence as the best and altogether most hopeful element of the south, the real basis of reconstruction and the material of worthy citizenship. On a thousand battle-fields they have tested the invincible power of that government they vainly sought to overthrow, and along a thousand picket lines, and under the friendly flag of truce, they have learned that the soldiers of the Union bore them no hatred, and shared with them the common attributes of humanity. Around the returned soldier of the south gathers the same circle of admiring friends that we see around the millions of hearth-stones in our own section, and from him they are slowly learning the lesson of charity and of brotherhood. I know of very few more potent influences at work in promoting real and lasting reconciliation and reconstruction than the influence of the returned southern soldier.

The question above all others that our people are anxious to ask is, In case of

a war with a foreign nation, what would be the action of the south? Of course, all answers to this must be founded chiefly on speculation, since a great deal would depend upon the character of the nation with whom we were at war, and much upon the action of the government between now and any such event. I need hardly say that, whatever might be their sympathies, in case of a war with England, not a regiment of men could be recruited in the south in her support, even if it were freely permitted. In other cases it would be different. There is a certain loose floating population in the south, as everywhere, and largely disproportionate to that of the north, in consequence of the more complete disruption caused by the war, that would be eager to enlist in any army, whether for or against the United States. It would be necessary, then, as things are at present, to keep a strict surveillance over the harbors of the principal ports to prevent them from sailing to join the common enemy, if such an object was desired, though I am far from certain that the class spoken of would not be well gotten rid of in foreign camps. They would consist almost entirely of that class of persons who are preparing to emigrate to Mexico and Brazil; men whose reputations in the rebel army were greatly overdone, or men who never did any service at the front, but who were valorous with words alone. If a large foreign army were to invade the south, and march uninterruptedly through the country—a very improbable contingency—without doubt it would receive many recruits. In Texas it would probably get eight thousand recruits—discontented, roving men, who are not engaged in any profitable employment, and are adding nothing to the State's productive capacity. I estimate that there are five thousand men in that State—deserters, principally, and rebel refugees from Arkansas and Missouri—that are to-day depending entirely upon robbery and murder for a precarious subsistence. These would, of course, rejoice at such an opportunity. In other States the proportion would be very much less. But if no invasion were accomplished, the substantial assistance that a foreign enemy would receive at the hands of the late insurgents would be quite insignificant; and the fears that many otherwise well-informed persons entertain in this regard are highly absurd. Naturally, the American people, as a nation, are devoted to the arts of peace. The soldiers of the late rebel army are, if possible, infinitely more wearied and disgusted with war and all its works than those of our army, and long for nothing so much as quiet. The best proof of this is the fact that our noble volunteers, though crowned with the honors of almost limitless success and victory, are clamorous and even mutinous to be discharged from military duty. Therefore, I am constrained to believe that, with few exceptions, the great masses of those who have been in the rebel army will never again seek to enter the lists. If there is anything that I certainly learned in the south, it was that its people are tired of war and are anxious to establish and perpetuate peace.

If a war should arise against Great Britain, I do not believe that one-tenth of the people would even sympathize with that power; thousands would, of course, but not to an extent that would lead them to make any sacrifices in her interest. Those who did not join or sympathize with the federal army would maintain a "neutrality" which would be observed more strictly than that of England during the existence of the rebellion. The south to-day hates England more vigorously than the north does; and the country may rest assured of this much at least, that the south, as a people, is no more anxious for a war with any foreign power than we ourselves are. Besides, there is a deep and steadily growing conviction in the minds of many of the most intelligent and thoughtful of the south—a conviction that a stranger would seldom discover in the journals or public speeches of prominent men, but only in the still under-currents of private conversation—that in the late war the hand of Providence, the decrees of destiny, were against them—are steadfastly averse to any separation of the Union. I confess that this discovery gave me an unfeigned satisfaction, such as no other I have made in the south. A prominent member of the Alabama

convention, a railroad president in Florida, three different Texas editors, and scores of nameless private individuals all over the south, have spoken to me in a tone of deep earnestness on this subject, citing the numerous instances that had come under their observation, showing an almost providential interference—a balancing of the scales of fate against them. Nor were they persons who had been lukewarm in “the cause,” and who had been on the lookout for such inclinations. I am not mistaken. I know that there is a profound and abiding conviction gradually gaining ground in the southern mind that their late struggle was hopeless from the outset—that it was contrary to the will of the Infinite. More than that, I know, from actual observation, that thousands of the rank and file and hundreds of their officers would gladly enlist in the United States armies against any and all foreigners, particularly if they could be allowed to serve under their old officers. I have conversed personally with hundreds of the ex-officers and soldiers of the late confederate army, and I only repeat what I have from their own lips when I say that a majority of them assured me they would enter our army in such an event in great part to give the government a convincing proof that they meant to be good and loyal citizens hereafter. I recall at present the names of Generals Hardee, McLaws, Forrest, Nichols and Jeff. Thompson—and there are some others whose names have escaped my memory—who told me that in case a foreign war should grow up, they would offer their services to the United States government in *any* capacity, even as a private.

The opinion has gained wide-spread acceptance in the north, through the medium of letter-writers, southern editorials, and other vehicles of rumor and information, that the south is to-day more disloyal toward the government than at the conclusion of the war. Various reasons are urged to account for this, chief among which is that this people have been brought to this state by an ill-timed, ill-advised leniency. What are the facts? When the war ended, it left the south prostrated, stricken, helpless. Even many of the most intelligent looked for general confiscation, proscription, and the reign of the scaffold; the news of the successive surrender of those armies that they had looked upon as standing alone between themselves and the direst calamities of history, threw the minds of the people into a state of the most abject terror. For many days, and even weeks—so I have been informed—in a thousand instances, the wretched, frightened women and children, deprived of their former protectors, lived in a state of the most fearful suspense, in hourly apprehension of the beginning of all that their fruitful imaginations, and those of their editors, had been able to conceive of northern vandalism and hideous butchery. The old men and the youths, and even the adult citizens, shared largely in this “fearful looking for of judgment.” This was not loyalty, though, in my opinion. It was silence—the silence of submission, of terror, of defeat. At this juncture any terms, including even negro suffrage, might have been imposed, so far as they were concerned. This feeling, however, almost immediately after passed away, and the continued delay of anticipated retribution restored them to their wonted equanimity. Immediately succeeding this there sprang up what many conscientious people are prone to term an increase of disloyalty. But was it such? I give it another solution. What, then, is the sentiment that has inspired these noisy and reckless utterances of late, which have given so much color to the charge? It is simply the returning wave that followed the depression of defeat—the inevitable and wholesome reaction from despair. It was to have been expected, and in my humble opinion could not well have been avoided, and is not indicative of any deep-seated malady, but rather the contrary. The wise and skilful physician watches with well-founded apprehension the progress of one of the most fatal diseases with which his art is acquainted, so long as its ragings are confined in the secret recesses of the body; but so soon as he beholds it assuming the form of violent and troublesome cutaneous eruptions, his confidence returns, and he predicts for the patient a speedy convalescence. The boisterous dema-

gogues, and especially the reckless editors, whom not even the iron despotism of Davis had been able to awe into silence, were for the moment appalled and stricken dumb in the presence of the gigantic calamity that had overtaken them, and in the near prospect of impending ruin; but soon they became reassured by the moderation of the government, and, finding their lives still in their hands, have not ceased to pour forth those obnoxious utterances which are taken as evidence and proof of an increase of disloyalty. It is with diffidence that I venture to dissent from the published opinions of many distinguished witnesses who have taken this view, but I am free to declare my firm conviction that it is altogether superficial and not founded in fact.

It is my belief that the south—the great, substantial, and prevailing element—is more loyal now than it was at the end of the war—more loyal to-day than yesterday, and that it will be more loyal to-morrow than to-day. It would be impossible to present the numerous and scattered evidences upon which I base this belief; but I entertain it in all sincerity, and believe it to be consonant with the facts. “No revolution ever goes backward” is a convenient but shallow truism; or, rather, expressive of no truth whatever, since every revolution has its ultimate revulsion, partially at least; and just as certainly as for four years the mass of popular sentiment in the south was slowly solidifying and strengthening in favor of the bogus confederacy, just so certain it is that from the date of its downfall that opinion has been slowly returning to its old attachments. For many years the dream of independence had been increasingly cherished and nurtured in the breasts of thousands; for four years that dream was a living fact, penetrating the consciousness of all, and receiving the sympathies of scarcely less than all; and then came the sudden and appalling crash—the awakening from this dream to the unwelcome but inexorable truth that the pleasing vision had vanished. As weeks, months, and years steadily accumulate, and the remembrances of that brief happiness vanish in the distance, the yearning for it will grow weak and inconstant. That dream will never be revived, in my opinion—never; and if I am satisfied of anything in relation to the south, it is that the great majority of its leading men have forever renounced all expectations of a separate nationality.

If I were asked to reconcile the above statements with the grossly palpable appearances that argue to the contrary, especially as seen in some of the late constitutional conventions, I would simply answer that this apparent contradiction is an inevitable product of human inconsistency; or, rather, the “consistency of politicians.” For four years they found themselves required—most of them by preference, all of them by circumstances which they could not, if they would, control—to argue in favor of the right of secession and independent government. It is strange how soon and how inevitably defence leads to conviction. I cannot say that, when the confederacy went down, there was not in all its borders a citizen who did not yield it so much of allegiance as he ever gave to any government; but I do not hesitate to declare that there were not five prominent politicians *still remaining within it* who could truly and conscientiously declare that they had not given it, first or last, their sympathy. It has furnished me an interesting branch of historical study to look up the antecedents of those men who, when our troops made their appearance, were forward in their professions of unwavering Unionism. Alas for political human nature! Scarcely one of them but had either accepted an office under the confederacy, or signified his willingness to do so.

There comes now a sudden and imperious necessity that they cannot blink, to declare, by their acts at least, that they were wrong in all this; but who could expect politicians and editors, before they had been reduced to a condition of absolute vassalage, to reverse their “records” *ab initio*, and declare freely and without hesitation that all their utterances of the past four years had been mistaken? [But this unwillingness does not necessarily involve a corresponding

sluggishness of belief. I record it as my profound conviction, gathered from hundreds of intimate and friendly conversations with leading men in the south, that there are not fifty respectable politicians who still believe in the "constitutional right of secession," though they are exceedingly slow to acknowledge it in public speeches or published articles. Our conversations generally ended with the confession—which to me was entirely satisfactory, as meaning much more than was intended—"Whatever may be said about the *right* of secession, the thing itself may as well be laid aside, for it is certainly *not practicable*, and probably *never will be*." I believe there is the most charity, and by far the most correctness, in that reasoning which accounts in this way for the extreme reluctance that has been exhibited in most of the conventions against declaring the act of secession null and void from the beginning. They will willingly concede that the *right* of secession *does not now* exist, provided only they are allowed to assert that *it did at that time*, which is simply a petty device of sorely humbled and defeated men to save their wounded pride. Said Governor Hamilton, of Texas, the most nobly and earnestly loyal man I met in all the south, in conversation with me one day: "After all, our people are doing about as well as a reasonable man ought to expect. Politicians must have their 'explanations' and their 'records;' they must be allowed to retreat gracefully, and to fall gently; but the vast majority of them are all right at heart. They must have time." And I will here add that I found in Texas more genuine and honest loyalty and patriotism than in any other of the cotton States. There are 54,000 Germans, 8,000 Norwegians, 9,000 Mexicans, and 70,000 Americans, in that State, who have remained loyal all the time, and they have in Governor Hamilton the noblest leader in any southern State. There were thirty-four men in the Texas convention who voted for the most loyal measures, and in favor of the most enlarged civil rights to the negro, seven of whom favored universal suffrage.

There is a prevalent disposition not to associate too freely with northern men, or to receive them into the circles of society; but it is far from insurmountable. Over southern society, as over every other, woman reigns supreme, and they are more embittered against those whom they deem the authors of all their calamities than are their brothers, sons and husbands. It is a noteworthy ethnological fact, and one I have often observed, that of the younger generation the southern women are much superior to the southern men both in intellect and energy; and their ascendancy over society is correspondingly great. However this disparity is to be accounted for, whether by the enormous wastage of the war among the males, or otherwise, it nevertheless exists, and to its existence is greatly due the exclusiveness of southern society.

But the stories and rumors to the effect that northern men are bitterly persecuted and compelled to abandon the country, I pronounce false. If northern men go south they must expect for a while to be treated with neglect, and sometimes with contempt; but if they refrain from bitter political discussions, and conduct themselves with ordinary discretion, they soon overcome these prejudices and are treated with respect. The accounts that are from time to time flooded over the country in regard to southern cruelty and intolerance toward northerners are mostly false. I could select many districts, however, particularly in northern Texas and portions of Mississippi, where northern men could not at present live with any degree of self-respect. There are also localities in many of the southern States where it would be dangerous for a northern man to live, but they are exceptional, and are about equally unsafe for any man who possesses attractive property. For some unknown cause a large number of persons are engaged in writing and circulating falsehoods. For some unpatriotic purpose or other, reports of an incendiary character concerning the southern people are transmitted north. To learn the falseness of these reports one needs only to obtain the facts. I am personally acquainted with most of the officers of a hundred-odd regiments of volunteers, and out of these I could name thirty

regiments one-half of whose officers and many of the men have returned to the south, and as many more that have left large numbers there upon being disbanded. Hundreds, even, of the officers of colored regiments—the most offensive to the south—have remained there and entered into business, the most of them having rented plantations and employing their old soldiers. Large numbers of ex-federal and ex-confederate officers are engaged together in mercantile pursuits and in cotton-planting. Nearly all of the cotton plantations in Florida are being run by such parties. The banks of the Mississippi are lined with plantations which have been leased by northern men and federal officers. Arkansas and White river plantations are generally being run by officers who have served under General Reynolds, while a large number of the Red river plantations have been placed under cultivation by ex-officers of General A. J. Smith's command. Fourteen officers of a colored (Kentucky) regiment are engaged in planting and raising cotton near Victoria, Texas. The First National Bank of Texas, at Galveston, has for president ex-Major General Nichols, of the late confederate army, and ten of its directors are also ex-rebel officers, while the cashier is ex-Major General Clark, of the Union army, and who formerly commanded a division of colored troops. In all of these connexions the utmost harmony prevails. Notwithstanding the above facts—and I could multiply them—I maintain that in many sections of the south there is a wide-spread hostility to northern men, which, however, in nine cases out of ten, is speedily dispelled by individual contact, and the exercise of a generous regard for private opinions. In fine, I will say that all who can be spared from the industry of the north to go south can readily find places of business where they can live in quiet and prosperity.

I have already alluded to the loyal Germans of Texas. I visited their colony and settlements and was most favorably impressed; they are the most thrifty, industrious, and prosperous citizens of that State, and, now that the rebellion is over, are living in comparative security, though their sufferings during the war were more dreadful than any that the history of this country has before afforded. They were ably represented in the late convention by five men, three of whom favored negro suffrage with certain educational qualifications. The loyal Norwegians and the loyal Americans of the Red River district—men whose loyalty was fearless and unwavering throughout the rebellion—I did not have time to see. Their delegates in the convention, however, were among the ablest as well as the most patriotic in that body, and far superior to those loyalists of North Alabama, who were generally men of moderate capacity. Though there is no district in Florida that can strictly be called loyal in contradistinction to all others, yet I found the feeling of the people in that State much better and more encouraging than in Georgia, which is overrun with politicians, many of whom seem to defy the government and its authority. Alabama is in a much better condition than Georgia, and its state of affairs is extremely encouraging. Mississippi, from one end to the other, of all the States which I visited, is far behindhand in her tokens of loyalty; there is an unmistakable flow of ill feeling in that State, although I witnessed no exhibitions of unmitigated disloyalty; on the whole, the people of that State fear the authority of the United States more than they respect it. In Louisiana there is an encouraging element of loyalty which is experiencing a healthy increase. Tennessee evidenced in a great degree the most flourishing signs of loyalty; I do not think there are ten men in that State at present who could be induced to favor a dissolution of the Union, not even indeed, if such a thing should be peaceably permitted. There is a healthy intercourse between all classes in Arkansas, and it seemed to me to occupy nearly the identical position of Tennessee.

I will now proceed to the second great topic, to wit: "The freedmen and their affairs."

Almost the only key that furnishes a satisfactory solution to the southern

question in its relations to the negro, that gives a reasonable explanation to the treatment which he receives and the estimation in which he is held, is found in the fact—too often forgotten in considering this matter—that the people from their earliest days have regarded slavery as his proper estate, and emancipation as a bane to his happiness. That a vast majority of the southern people honestly entertain this opinion no one who travels among them for eight months can doubt.

To one who looks out from this stand-point of theory, and can see no other that is rational, the question presents itself in a different aspect. Every one who conscientiously seeks to know the whole truth should not ignore their beliefs while he censures the resulting practices. Holding that the negro occupies a middle ground between the human race and the animal, they regard it as a real misfortune to him that he should be stripped of a protector, and that the immortal proclamation of President Lincoln was wicked, or at least mistaken, and a scourge to society. The persistency and honesty with which many, even of the greatest men of the south, hold to this opinion, is almost unaccountable to a northern man, and is an element of such magnitude that it cannot well be omitted from the consideration.

Resulting as a proper corollary from these premises, we have seen various laws passed in some of the States, but more particularly in Mississippi—which State, I am bound to say, has displayed the most illiberal spirit toward the freedmen of all the south—imposing heavy taxes on negroes engaged in the various trades, amounting to a virtual prohibition. Petty, unjust, and discriminating licenses are levied in this State upon mechanics, storekeepers, and various artisans. Following the same absurd train of argument that one will hear in the north in regard to the “proper sphere of women,” their legislature and their common councils contend that in these pursuits the negro is out of his place; that he is not adapted to such labors, but only to the ruder tasks of the field. What are known as the “poor whites” sustain, in fact originate, this legislation, upon the insane dread they share in common with certain skilled laborers at the north, of competition and an overcrowding of the supply. This folly and injustice on the part of the law-makers is being corrected in many sections. The negro, however, has not been discouraged, even in Mississippi; his industry and his thrift are overleaping all obstacles, and in Jackson there are at least two colored craftsmen of most kinds to one of the whites.

From the surrender of the rebel armies up to the Christmas holidays, and more especially for a few weeks preceding the latter, there was a nervousness exhibited throughout the south, in relation to their late slaves, that was little consonant to their former professions of trust in them. There were vague and terrible fears of a servile insurrection—a thing which the simple-minded negroes scarcely dreamed of. In consequence of this there were extensive seizures of arms and ammunition, which the negroes had foolishly collected, and strict precautions were taken to avoid any outbreak. Pistols, old muskets, and shot-guns were taken away from them as such weapons would be wrested from the hands of lunatics. Since the holidays, however, there has been a great improvement in this matter; many of the whites appear to be ashamed of their former distrust, and the negroes are seldom molested now in carrying the fire-arms of which they make such a vain display. In one way or another they have procured great numbers of old army muskets and revolvers, particularly in Texas, and I have, in a few instances, been amused at the vigor and audacity with which they have employed them to protect themselves against the robbers and murderers that infest that State.

Another result of the above-mentioned settled belief in the negro's inferiority, and in the necessity that he should not be left to himself without a guardian, is that in some sections he is discouraged from leaving his old master. I have known of planters who considered it an offence against neighborhood courtesy

for another to hire their old hands, and in two instances that were reported the disputants came to blows over the breach of etiquette. It is only, however, in the most remote regions, where our troops have seldom or never penetrated, that the negroes have not perfect liberty to rove where they choose. Even when the attempt is made to restrain them by a system of passes from their employers, or from police patrols, it is of little avail; for the negroes, in their ignorance and darkness of understanding, are penetrated with a singularly strong conviction that they "are not free so long as they stay at the old place;" and all last summer and fall they pretty thoroughly demonstrated their freedom by changing their places of residence. Such a thorough chaos and commingling of population has seldom been seen since the great barbarian invasion of the Roman empire. In this general upheaval thousands of long-scattered families were joyously reunited. It is a strange fact, however, and one which I have abundantly established by the testimony of hundreds of the negroes themselves, that a large majority of them have finally returned voluntarily and settled down in the old cabins of their former quarters. The negro clings to old associations—it was only a temporary impulse of their new-found freedom to wander away from them; and at last they returned, generally wearied, hungry, and forlorn. In most cases, or at least in many cases, it was not so much from any affection toward their former masters as it was from a mere instinctive attachment to the homes of their youth—the familiar scenes in the midst of which they were born and reared. When I was in Selma, Alabama, last fall, a constant stream of them, of all ages and conditions, were pouring through that city on their way, as they always told me, to Mississippi or Tennessee. Many were transported free by our government, while many were on foot, trudging hopefully but painfully forward toward their old homes, from which they had been taken to escape our armies.

I believe that in some of the most interior districts, especially in Texas, the substance of slavery still remains, in the form of the bondage of custom, of fear, and of inferiority; but nowhere are there any negroes so ignorant of the great change that has taken place as to submit to the lash. In no place did I hear the slightest allusion to any punishment of this sort having been inflicted since the rebellion ended. In every case it was violent stabbing or shooting, resulting from a personal encounter. The negro was aware of his rights, and was defending them. His friends need never fear his re-enslavement; it never can, never will take place. His head is filled with the idea of freedom, and anything but the most insidious and blandishing encroachments upon his freedom he will perceive and resist. The planters everywhere complain of his "demoralization" in this respect.

As to the personal treatment received by the negro at the hands of the southern people there is wide-spread misapprehension. It is not his former master, as a general thing, that is his worst enemy, but quite the contrary. I have talked earnestly with hundreds of old slave-owners, and seen them move among their former "chattels," and I am not mistaken. The feeling with which a very large majority of them regard the negro is one of genuine commiseration, although it is not a sentiment much elevated above that with which they would look upon a suffering animal for which they had formed an attachment. Last summer the negroes, exulting in their new-found freedom, as was to have been expected, were gay, thoughtless, and improvident; and, as a consequence, when the winter came hundreds of them felt the pinchings of want, and many perished. The old planters have often pointed out to me numerous instances of calamity that had come under their own observation in the case of their former slaves and others.

It was one of the most pernicious effects of slavery that it confined the attention of the owner entirely to the present bodily condition of his slaves, and ignored all calculations upon his future mental or moral growth; it gave him that mean opinion of the negroes' capacity that he still retains. The planter reasoned

only from the actual facts, and never from possibilities. Inheriting his slaves, and finding them always brutish, stupid, and slow of understanding, he committed the logical inaccuracy of preventing them from ever becoming anything else, and proceeded to argue that they never could become so. To a certain extent it is true, as has been forcibly said, that "those who have seen most of the negro know least of him," though the assertion should be reduced to this—that they know far less of him as a human being than we of the north, but much more respecting his mere animal characteristics. Notwithstanding all this, I insist that there was in most cases a real attachment between master and slave, and still is, especially between the family and house servants.

It is the former slave-owners who are the best friends the negro has in the south—those who, heretofore, have provided for his mere physical comfort, generally with sufficient means, though entirely neglecting his better nature, while it is the "poor whites" that are his enemies. It is from these he suffers most. In a state of slavery they hated him; and, now that he is free, there is no striking abatement of this sentiment, and the former master no longer feels called by the instincts of interest to extend that protection that he once did. On the streets, by the roadside, in his wretched hut, in the field of labor—everywhere, the inoffensive negro is exposed to their petty and contemptible persecutions; while, on the other hand, I have known instances where the respectable, substantial people of a community have united together to keep guard over a house in which the negroes were taking their amusement, and from which, a few nights before, they had been rudely driven by white vagabonds, who found pleasure in their fright and suffering. I reiterate, that the former owners, as a class, are the negroes' best friends in the south, although many of this class diligently strive to discourage the freedmen from any earnest efforts to promote their higher welfare. When one believes that a certain race of beings are incapable of advancement, he is very prone to withhold the means of that advancement. And it is in this form that a species of slavery will longest be perpetuated—it is in these strongholds that it will last die out. I am pretty sure that there is not a single negro in the whole south who is not receiving pay for his labor according to his own contract; but, as a general thing, the freedmen are encouraged to collect about the old mansion in their little quarters, labor for their former master for set terms, receiving, besides their pay, food, quarters, and medical attendance, and thus continuing on in their former state of dependence. The cruelties of slavery, and all of its outward forms, have entirely passed away; but, as might have been expected, glimmerings of its vassalage, its subserviency, and its helplessness, linger.

It is the result of my observation, also, not only that the planters, generally, are far better friends to the negro than the poor whites, but also better than a majority of northern men who go south to rent plantations—at least, they show more patience in dealing with him. The northerner is practical, energetic, economical, and thrifty—the negro is slow, awkward, wasteful, and slovenly; he causes his new employer to lose his patience, and to seize hold and attempt to perform, himself, what he sees so badly executed. The southerner is accustomed to the ways of slaves from his youth up; hence he is languidly and good-naturedly indifferent; or, at most, vents his displeasure in empty fuming. The northern employer is accustomed to see laborers who are vigorous and industrious; he knows the extent of a full day's labor, and he expects all to perform the amount; the southern man has always been compelled to employ two or three to do the work of one, and is more indulgent. It is the almost universal testimony of the negroes themselves, who have been under the supervision of both classes—and I have talked with many with a view to this point—that they prefer to labor for a southern employer. This is not by any means to be construed to mean that they desire to return to slavery—not by any consideration, for the thought of freedom is dearer to their hearts than to any other people of

like intelligence in the world; but that, being once assured of their liberty to go and come at will, they generally return to the service of the southerner.

The negro has far less to apprehend, in my judgment, from organized oppression by the courts than from sudden and violent outbursts of passion on the part of employers, or from the petty and malicious persecutions of mean whites. He has less to fear from the perversion of law than from the absence of it; and the same is true of the whites, and has always been. It might almost be said of some interior counties in Texas that there never has been any executed law there for white or black, for it is a recorded fact that before the war, even, 450 murders per year were committed in that State, while there never were half a dozen formal convictions and executions for manslaughter. The others were acquitted on the ground of self-defence. The point is, then, that there have not been, and are not now, more colored people murdered, in proportion to their whole number, than whites.

On the great question of negro suffrage I have seen no occasion, in presence of the facts, to change materially the belief I entertained eight months ago. To say that the south is opposed to it, almost to a man, is simply to utter that of which every one is already aware; to say that it is simply a question of time, is to give it no satisfactory solution. The pith and substance of the whole matter lies in the answer to this single question: "Will the immediate conferring of suffrage on the blacks put them in the possession of any substantial good which they are now denied, or avert from them any evil that threatens their welfare?" So general and so bitter is the opposition of the whites to this measure, that I am fully persuaded that to confer suffrage forcibly, by national enactment, upon the blacks at this time, would result to their serious detriment. I do not believe it would beget a war of races, but, from the manner in which negro schools and other similar institutions have been treated in some sections by ignorant and malicious persons, I am constrained to believe that the negro would be the recipient of more wrongs and injuries than he now is if he was found at the polls voting. It is the truth of history that, when classes of population are opposed in feeling and unequal in power and influence, the dominating class is oppressive and intolerant toward the inferior in reverse proportion as it is elevated above it. The southern poor whites, conscious as they are of only a slight superiority over the negro, and knowing that the suffrage and a few minor factitious distinctions are the chief points of their superiority, are jealous over them accordingly. It is they that will resist most stubbornly the negroes' enfranchisement, as it will remove the most marked of the few slight barriers that separate them from the blacks, and it is they that will hail his advent to the polls with the most unrelenting and senseless abuse.

The proper avenues of approach to these unreasoning minds is through the wealthy and powerful landowners of the south—the politicians—who are lords and masters over the peasantry to almost as great an extent as they are over the negroes. Through these let the parallels be constructed upon this strong castle of prejudice. If the politicians of the south have the absolute certainty laid before them that in 1870 their representation in Congress will be diminished largely in consequence of the non-enfranchisement of the negro, they will see to it before that time that the proper reform is introduced. They will convince their constituents that it is necessary and proper to allow the negro to vote, and he will be allowed so to do. At present it seems to me that it would be a misfortune to the negro himself to thrust this privilege upon him. There is a popular tradition that a certain very humble and useful, but unsightly animal carries in its head a precious pearl, and it is often killed in the vain search for it; so it would be, substantially, with the helpless, inoffensive negro, if this valuable prerogative was at once put into his hands.

The southern negro is far less concerned in the result of elections, at present, than he is in the decisions of the local courts, and far less interested in these

than in the general temper of society. The negro always has been and always must remain associated with the people of the south in a thousand intimate relations—relations over which legislation can have little control, whatever attempts are made to the contrary. Even before the courts of the country I have little fear but that he will secure substantial justice. These courts are generally in the hands of the more intelligent and reasonable classes, among whom there is a sentiment of real pity towards the negro, as being now left to contend on his own resources against the stronger white man. Legislatures and common councils may frame mean-spirited and discriminating laws against him, but when he is brought to actual trial, and his helplessness is made apparent, the practice of his jurors, his judges, and his lawyers is much better than their professions. Especially is it true when the suit is, as it often happens, between a negro and a mean white. The old slave-owners always felt a preference for their negroes over this class, and even had a positive dislike towards the latter, and they entertain the same feelings still; and let a suit be brought between one of them and a respectable negro, and I have no fears for the result on the part of the negro.

The treatment which the negroes receive at the hands of the people is a quick and accurate thermometer, gauging southern loyalty—the temper of the whites towards the general government. Closely following the conclusion of the war were witnessed far more outrages upon the blacks than have been known since. In the exasperation and bitterness resulting from fresh defeat, they, in many cases, vented their wrath on the heads of the unoffending negro. Since then there has been a steady improvement under the fostering influences of hope and returning loyalty. The south always has been, and always must be, to a great extent, the guardians of the negro, for the time will never come, so long as he remains a part of our society, when, from the very nature of his inferiority, he will not require a certain guardianship.

As an evidence of the most encouraging growth of public sentiment in the south, conforming to the great onward march of events, I may mention the advance that has taken place in relation to the question of negro testimony. Eight months ago, when I first went south, the subject was one that scarcely engaged the serious attention of public men, much less their favorable consideration; but when the Texas convention, the last in the south, and only very recently assembled, came together, so much had popular sentiment advanced on this subject that only eight members of that body offered any opposition to a measure proposing to allow the negro to testify in cases of his own concern, and nearly one-half the delegates favored giving him the most unrestricted right. A tremendous struggle was made over this last point—a struggle not for partial rights, but for universal privileges. The opponents of the measure strongly argued that if the negro was admitted to testify in all cases in which he or any of his race might be interested, his own rights were secured beyond peradventure, and he was legally placed on a better foundation than the white man, which is true; since, in Texas, a colored man can now subpoena witnesses both from whites and blacks, while a white man can summon only those of his own color. I know of no State among all that I visited in which either the constitution or statutes do not authorize the negro to testify in all cases in which he or any of his race may be interested.

The Freedmen's Bureau is an institution that was highly necessary in the months immediately following the close of the war, and which is still needed in all of the States but Tennessee, and will continue to be for some time, especially in Mississippi, Alabama and Georgia. Except for the aid furnished by the bureau last summer, fall and winter, thousands of freedmen, and refugees as well, would have perished from starvation. The bureau also performed a highly useful office late in the fall and early last winter in assisting both planters and laborers to make mutually profitable arrangements, securing the latter against

fraud and the former partially against the negro's fickleness. When the Christmas holidays came and passed, and brought around no government agents, as the freedmen had fondly trusted, to divide out the property of their late masters, they were sorely disappointed, and for a brief space were naturally despondent; but very soon their wonted buoyancy returned, and they entered in earnest upon preparations for the coming year. Then it was that the bureau was instrumental in accomplishing more good than it had at any previous time: the task of settling hundreds of thousands of improvident and disappointed people into situations with those who were distrustful and discouraged, was one of great magnitude and importance. Thanks, however, to the unexpected kindness with which these discordant elements assimilated, the bureau performed its task well; vast numbers of the freedmen were provided with good situations, and the planters received a new impetus of hopefulness. In the great State of Texas the reports of the bureau show that there are three hundred thousand laborers at work, happy, contented and prosperous. There is not a single colored pauper in the State, and less than a dozen at any one time in the government hospital. Auspicious result! In other States, Tennessee, Florida and Arkansas, especially, I found an admirable condition of affairs—the negroes industriously at work, receiving fair pay, and a demand for thousands more of them to till the waiting plantations. In other States, either more desolated by the war or more densely populated by freedmen, the condition was not so abounding in present good, but was equally full of promise. In Texas, Florida, Tennessee, Arkansas, Louisiana, Mississippi and Georgia, together, I think I am not mistaken in saying that nearly a half million more laborers than are now there could secure situations and good wages if they were there to-day. Nowhere does the plantation hand get less than \$10 per month, in addition to rations and quarters; many of them get \$15 and \$18, some even \$25, while those who are renting get from a quarter to three-quarters of the crop. These extreme bargains are rare, except in Texas. The usual bargain is for one-third or one-half the crop, the planters furnishing the seed, implements and teams. I estimate that there will be ten thousand negroes renting small lots of ground this year who never did before.

The bureau, in my respectful opinion, has nearly accomplished the work for which it was created, and the necessity that called it into existence is rapidly passing away. If it shall have looked faithfully after the interests of the freedmen during the coming season, and especially in the division of the crops next fall, and, after that, succeeds in again locating them on the plantations in favorable situations for the year 1867, as it did last winter, then I think the negro can be released from its bonds and will be able to go forth alone. It is surprising and electrifying to the steadfast believer in the inherent capacity of all men for self-government to witness the rapid strides in advance which the late slaves have taken. They, as well as their white fellow-citizens, both north and south, learned much from the late war. Its teachings were fruitful to them in lessons of self-reliance and self-helpfulness. They have purchased and secreted arms; they hold little meetings together, in which they consult with much sageness concerning their common safety; they feel a dignity and an independence becoming their relations as freemen, and I am convinced that in nine months from this time the longer presence and assistance of the bureau will be unnecessary and superfluous.

Regarding the military establishment south, I will respectfully submit a few words. Taking everything into consideration, there is every reason to believe that it would be extremely injudicious to remove from the south the force now stationed there. Troops are required in the Red river counties, in Texas, to protect loyal men who are being continually outraged by some thousand or more rebel refugees from Missouri and Arkansas, who, on account of their atrocities during the war, dare not return to their homes. Troops are also required in the loyal German counties in Texas, whose people are suffering considerably

from the depredations of nomadic bands of Indians. Regarding the colored soldiers, I only agree with all of our officers in the south, including those connected with the Freedmen's Bureau, that they should be removed as speedily as possible. To a great extent they incite the freedmen to deeds of violence and encourage them in indolence. There has been a great improvement in this respect, however, during the past three months. Further, there is the most bitter feeling existing between white and colored soldiers, and many of the latter have been cruelly treated by the former. Volunteer regiments are gradually wasting away by desertion—desertion officially encouraged. The demoralizing effects of this wholesale desertion are felt in the regular army, which is also suffering in like manner. The fourth and sixth cavalry and the nineteenth infantry regiments are losing hundreds of men by desertion.

Emigration, both from the north and abroad, is almost everywhere encouraged, but particularly in Texas, Florida, and Tennessee.

If the season is good, cotton will be raised in large quantities all over the south. Texas will make a larger crop than ever before. I studied this matter with a good deal of care, and am of the opinion that the eight States above mentioned will make, this season, nineteen hundred thousand bales. Two-thirds of the sugar plantations in Louisiana have been destroyed, or, from neglect have gone to ruin, while but a few of those in good order are being worked. The rice-fields are quiet, and the chances are that very little rice will ever again be raised in the United States.

In conclusion, I must say that I bespeak for the south a glorious future. I predict that peace, prosperity, wealth, and happiness will be her lot. Her rich lands will come rapidly under cultivation, and increase ten-fold in value; her noble waters will be thronged with the appliances of commerce; population, such as she desires, will flow steadily into her borders; cities and villages will dot her landscapes; schools and churches and public institutions will be her boast, and a refined society will grace the land. What may we not expect of her, now that freedom is her guiding star?

Very respectfully,

BENJAMIN C. TRUMAN.

ANDREW JOHNSON,

President of the United States.

LETTER

TO THE HONORABLE MEMBERS OF THE HOUSE OF COMMONS

IN PARLIAMENT ASSEMBLED

IN ANSWER TO A RESOLUTION PASSED BY THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

RELATIVE TO THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

IN THE HOUSE OF COMMONS

THE SECRETARY OF THE HOUSE OF COMMONS
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
A COPY OF THE REPORT OF THE SELECT COMMITTEE
ON THE PETITION OF THE FREE TRADERS OF
THE PORT OF LONDON, IN RELATION TO
THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

AND TO STATE THAT THE SAME HAS BEEN
FORWARDED TO THE HOUSE OF COMMONS

FOR THEIR CONSIDERATION

AND THAT THE HOUSE OF COMMONS
HAS THEREON PASSED THE FOLLOWING RESOLUTION

THAT THE REPORT OF THE SELECT COMMITTEE
ON THE PETITION OF THE FREE TRADERS OF
THE PORT OF LONDON, IN RELATION TO
THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

BE LAYED ON THE TABLE OF THE HOUSE OF COMMONS

AND THAT THE HOUSE OF COMMONS
HAS THEREON PASSED THE FOLLOWING RESOLUTION

THAT THE REPORT OF THE SELECT COMMITTEE
ON THE PETITION OF THE FREE TRADERS OF
THE PORT OF LONDON, IN RELATION TO
THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

BE LAYED ON THE TABLE OF THE HOUSE OF COMMONS

AND THAT THE HOUSE OF COMMONS
HAS THEREON PASSED THE FOLLOWING RESOLUTION

THAT THE REPORT OF THE SELECT COMMITTEE
ON THE PETITION OF THE FREE TRADERS OF
THE PORT OF LONDON, IN RELATION TO
THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

BE LAYED ON THE TABLE OF THE HOUSE OF COMMONS

AND THAT THE HOUSE OF COMMONS
HAS THEREON PASSED THE FOLLOWING RESOLUTION

THAT THE REPORT OF THE SELECT COMMITTEE
ON THE PETITION OF THE FREE TRADERS OF
THE PORT OF LONDON, IN RELATION TO
THE PROCEEDINGS OF THE HOUSE OF COMMONS
ON THE 12TH DAY OF JANUARY 1841

BE LAYED ON THE TABLE OF THE HOUSE OF COMMONS

AND THAT THE HOUSE OF COMMONS
HAS THEREON PASSED THE FOLLOWING RESOLUTION

LETTER
FROM THE
POSTMASTER GENERAL,
COMMUNICATING,

In compliance with a resolution of the Senate of the 10th instant, a copy of a letter from Hon. D. L. Yulee to the department, relative to the effect of legislative action in increasing the pay of mail contractors, &c.

MAY 15, 1866.—Referred to the Committee on Post Offices and Post Roads and ordered to be printed.

POST OFFICE DEPARTMENT,
Washington, May 12, 1866.

SIR: In obedience to a resolution of the Senate, adopted on the 10th instant, I have the honor to send herewith copy of a letter from Hon. D. L. Yulee, chairman of the Committee on Post Offices and Post Roads, to the department, dated January 9, 1860, "inquiring as to the effect of legislative action in increasing the pay of mail contractors," &c., and copy of the reply thereto of Postmaster General Holt, dated January 28, 1860.

Very respectfully, your obedient servant,

W. DENNISON,
Postmaster General.

Hon. LAFAYETTE S. FOSTER,
President of the Senate.

SENATE OF THE UNITED STATES,
COMMITTEE ON POST OFFICES AND POST ROADS,
Washington, January 9, 1860.

SIR: Memorials are pending before the committee, from various parties, for compensation for mail services beyond the allowance made by the department. Without regard to the particular merits of each case, the committee desire to be informed of the effect of such legislation upon the general policy of the department, as determined by experience in its administration.

A brief review of the cases in which special relief has been allowed during the last ten years might be useful in enabling us to determine how far it is safe or necessary to justice that Congress should go in affording relief to claimants beyond that which the department can legally afford, or which the Court of Claims is competent to consider.

How far is it possible, under the existing laws and regulations of the department, for equities to arise in behalf of contractors which are beyond the legitimate consideration of the department?

Very respectfully,

D. L. YULEE, Chairman.

Hon. JOSEPH HOLT,
Postmaster General.

POST OFFICE DEPARTMENT,
January 28, 1860.

SIR: A pressure of duties upon the department has prevented an earlier reply to your letter of the 9th instant, stating that "Memorials are pending before the Senate Committee on Post Offices and Post Roads from various parties for compensation for mail services beyond the allowance made by the department," and desiring "to be informed" of the effect of such legislation upon the general policy of the department as determined by experience in its administration.

If the inquiry is in regard to existing contracts for conveying the mails—that is, such as have not expired by their own limitation—it may be stated emphatically that it is scarcely possible for a case to occur deserving the notice and interference of Congress. The law requires that contracts be made for four years, after advertising for twelve weeks, and that the lowest bidder offering adequate security be accepted. In preparing the advertisement inviting proposals, every precaution is taken to inform bidders of the nature of the service required, and they are cautioned to make themselves acquainted with the bulk of the mail to be carried and the amount of stock, carriages, labor, &c., required for its prompt and efficient conveyance, the state of the roads, bridges, ferries, tolls, and all other causes likely to occasion expense during the continuance of the contract. In the printed proposals furnished by the department, on which more than three-quarters of all the tenders are made, bidders are made to say that they bid with full knowledge of what they are doing, and after due examination of the laws and instructions and requirements of the department on the subject.

It is evident that no proposal should be submitted without an examination into all these particulars, and it is presumed that no prudent man enters into the business without doing so. It is taken for granted that he deliberately counts the cost of the horses necessary to the service, and of their support, and of the drivers and other employes essential to their use; of the carriages, or other vehicles, to contain the mails, and of their annual wear and tear, and also of tolls, ferries, &c. To all this he is supposed to add a sufficient percentage to cover contingencies and afford a reasonable compensation for his own time and attention. The result of this careful calculation is the sum of his bid. No proposal should be submitted unless thus carefully prepared; and when once submitted, and accepted, the bidder, now become a contractor, should be held to a strict fulfilment of the obligations he has voluntarily assumed, and can have no cause to complain if he finds his calculations wrong in any respect. If, when the service is begun, a contractor alleges that his expenses are greater and his profits less than he anticipated, it is evidence only that he did not understand his business, and affords no grounds for asking relief of the legislative power, and if relief be granted it is manifest that injustice is done to those whose figures and calculations, being more accurate, have proposed higher sums, for they are thus made losers *because* they are more accurate and have a better understanding of their business.

It is by no means for the public interest to obtain low bids, and yet they are often accepted with a perfect conviction that they are too low, and that the result must be a failure and a consequent reletting at a higher figure. This is because the law requires the acceptance of the proposal lowest in amount, if sufficiently guaranteed; and it is not desirable that there be any change in this law, nor that any discretion be given to the head of the department, further than is now possessed of rejecting the bids of such persons as have wilfully or negligently failed to execute and perform a prior contract. But if the system inaugurated in Congress a few years since of adding to the compensation of contractors on the ground of alleged error in making bids, increase of mails, bad roads, &c., &c., contingencies which should have been foreseen and guarded against, be continued, the result must be the introduction of a class of bids at sums inadequate to

the proper performance of the service and a reasonable return on the capital employed, with the express design and expectation of an augmentation of pay from the action of Congress, and it must lead to numerous and perplexing applications to the legislature for relief.

Among the cases of the increase of compensation without increase of service, ordered by Congress during the continuance of contracts entered into under the circumstances named, the following are given:

Route 8116.—Donaldsville to Opelousas and Washington, Louisiana, C. M. Vinson, contractor; commencing April 14, 1851, and ending June 30, 1854, at \$8,300 a year, service in two-horse stages and steamboats. By act of Congress August 31, 1852, the sum of \$7,000 per annum additional was allowed for "transporting the mail from Lake House to New Iberia," *points on the route*.

William M. F. Magraw was the contractor for conveyance of the mails between Independence and Salt Lake once a month, from July 1, 1854, to June 30, 1858, at \$14,440 per annum. Congress, by act of March 3, 1855, increased the pay to \$36,000 for the year ended August 18, 1855, and by act of May 29, 1856, continued the same pay to August 18, 1856, and directed the route to be advertised and relet. It was so advertised when the bid of Mr. Magraw was \$23,460, but he was underbid and the service relet at \$23,000. This was a tacit admission on the part of this individual that the sum allowed by Congress was \$12,540 *more* than he considered the service worth. And it should be observed also that the sum allowed by Congress was more than double the bids of several responsible parties at the same letting, and about one-third more for monthly service than the favored contractor proposed for twice-a-month service.

Another case of the same description was that of Jacob Haw, contractor on the route from Independence to Santa Fé, whose compensation was increased from \$10,990 to \$22,000 per annum by act of March 3, 1855, and continued to the end of his term, June 30, 1858, by act of August 18, 1856. This was for monthly service only, and was the exact sum which the same parties proposed for semi-monthly service, and when it subsequently became necessary to increase the mail to twice a month the *pro rata* pay had to be cast upon this sum of \$22,000 per annum, making the whole \$33,000 per annum. Both the monthly and semi-monthly pay thus obtained by legislation much exceeded the bids of other parties.

George H. Giddings became, by transfer from the accepted bidder, contractor for conveying the mail between San Antonio, Texas, and Santa Fé, New Mexico, from March 13, 1855, to June 30, 1858, at \$16,750 per annum. By act of March 3, 1855, this compensation was increased to \$33,500 for one year from August 18, 1854, and by a subsequent enactment this was continued to the end of the contract term. The additional amount paid under these laws was \$64,750, and the annual pay much exceeded the bids of other parties.

At the letting of contracts for mail routes in Pennsylvania in 1856, Gorman, Wigle & Benford were bidders for route 3331—Cumberland to Greensburg, 71 miles, six times a week, in two-horse coaches, at \$320 per annum—and were accepted. On their allegation that there was a mistake in the proposal, and that the sum intended was \$4,320, Congress, by act approved January 13, 1857, authorized a contract to be made with them at that sum, and it was so made. In this case there was no lower bid for the service wanted than the sum thus authorized, and, therefore, no injustice done to other persons.

At the letting of South Carolina routes in 1855, Stuckey & Rogers were the lowest bidders for route 6078—Winnsboro' to Pinckneyville, 72 miles, at \$138 per annum. On their statement that their bid at this sum was not intended for this route but for route 6082—from Chester Court House to Winnsboro', 22 miles—Congress, by an act approved June 7, 1858, directed that they be paid at the rate of \$333 per annum for the whole term of four years. This was the amount of the next lowest bid by another party, and by the operation of this

legislation that bidder was deprived of the benefits he might have derived from the acceptance of his bid.

No continuous record exists in the department of payments to contractors, or late contractors, under special acts for their relief, and no statement which could be relied on, as containing all such cases for ten years past, can be prepared without devoting much time and labor to the task, and a reference to the laws passed during that period which are equally accessible to the committee, but the following are enumerated as samples of legislation affecting the accounts of late contractors:

Route 5066: Sacramento City, California, to Salt Lake City, Utah Territory, Woodward & Chorpenning, contractors. Term, May 10, 1851, to June 30, 1854; \$14,000 per annum. Act of March 3, 1857, allowed George Chorpenning, jr., surviving partner of Woodward & Chorpenning, at the rate of \$14,000 per annum from March 15 to July 1, 1853, about \$4,083. During the same period the route was run by W. L. Blanchard, in consequence of department's order of November 18, 1852, annulling Woodward & Chorpenning's contract for failures, which order was rescinded April 22, 1853, restoring them to the contract.

Act of March 3, 1857, for the relief of George Chorpenning, jr., as surviving partner of Woodward & Chorpenning, allowed for the service from July 1, 1853, to July 1, 1864, \$30,000 per annum, an increase over contract of \$16,000. The same act of March 3, 1857, for relief of George Chorpenning, jr., directed the Postmaster General to "adjust and settle the claim of said Chorpenning, as surviving partner of Woodward & Chorpenning, and in his own right, for carrying the mails by San Pedro, and for supplying the post office in Carson's valley, and also for carrying part of the Independence mail by California, allowing a *pro rata* increase of compensation for the distance by San Pedro, for the service to Carson's valley, and for such part of the eastern mail as was carried by California, during all the time when said services were performed," as shown by the *affidavits and proofs on file in the House of Representatives*. It also directed to settle his claim, "on account of the annulment or suspension of Woodward & Chorpenning's contract for carrying the mail on the route," as shown in the *affidavits on file in the House of Representatives*.

The amounts allowed under these provisions were \$109,072 95. It is observable that the change to go the southern route, *via* San Diego and San Bernardino, (San Diego and San Pedro being near each other,) had been solicited by Mr. Chorpenning as a privilege, and granted by the department by an order dated December 10, 1853, but in consequence of the wording of the act mentioned, evidence in the possession of the department could not be used in these adjustments.

Route 12801: Salt Lake City, Utah, to San Diego, California, George Chorpenning, jr., contractor. Term, July 1, 1854, to July 1, 1858; pay \$12,500 per annum.

The same act of March 3, 1857, for the relief of George Chorpenning, jr., directed the Postmaster General to allow him pay at the rate of \$30,000 per annum, instead of the contract pay, during the entire term of four years, making an increase of cost of \$70,000.

By an act for the relief of Lewis W. Broudwell, approved June 5, 1858, the Secretary of the Treasury was authorized and directed to pay to the person named the sum of \$12,938, or at the rate of \$5,000 a year, for carrying the mail from Vicksburg, Mississippi, to Grand Lake, Arkansas, from September 4, 1854, to April 17, 1857. The service here specified was not ordered by, and was unknown to, the department, and there is now no evidence on its files, other than this law on the statute-book, that such service was performed. The office at Grand Lake was, during the period mentioned, otherwise supplied with the mail, and yielded a revenue to the United States of but about \$150 a year.

How far it is possible, under the existing laws and regulations of the depart-

ment, for equities to arise in behalf of contractors which are beyond the legitimate consideration of the department, is a question difficult to answer. The only cases in which an increase of compensation to a contractor can be ordered by the head of the department are for an increase in the number of trips per week beyond the number specified in the contract; an increase of distance, occasioned by the opening of new offices and otherwise, and an increase in speed, requiring the employment of additional carriers and the use of additional stock. When such improvements become necessary for the public accommodation, the law prescribes that the additional pay shall be an exact *pro rata* on the original compensation. If other improvements are needed, such as the conveyance of mails in vehicles instead of on horse, on account of their weight and bulk, thus changing the "terms of an existing contract," the law demands that the route to be improved be re-advertised and a new letting take place, and a reservation of this power and right is contained in all contracts. If these laws and rates be rigidly adhered to, and they have been since the enactment of the law of 1836, and contractors adhere to a literal and faithful fulfilment of their obligations, it would seem to be hardly "possible for equities to arise in behalf of contractors," requiring the notice and action of the legislative power, and yet the instances cited show that claims can arise, and have arisen, which Congress deem equitable in a manner most unequivocal, that is, by appropriating large sums of money to their payment.

In all cases of claims arising on a mail contract which are beyond the competency of the Postmaster General to adjudicate, there will not be, as there never has been, any hesitancy on the part of the department to examine into the merits of such as shall be submitted for the purpose, and afford aid in their elucidation, as far as the records or files will admit, and in recommending to the favorable notice of Congress such as shall be found equitable and just.

Believing it to be embraced within the scope of the inquiries of the committee, though not expressly stated, I take the liberty to mention another species of legislation, having a recent origin, which is deemed to be exceedingly demoralizing upon contractors, and destructive to that strict accountability in the performance of their obligations, without which the mail service must become unreliable and inefficient, and the source of continual annoyance and disappointment, as the carrier of the correspondence of the country. I allude to the practice of obtaining by legislation the remission of fines and deductions imposed by the department on contractors for failures to convey the mail within the schedule time, occasioning breaches of connexion with other routes; for carrying it in a mode inferior to that specified in the contract, subjecting it to be injured by exposure to the elements, &c.; for all which penalties are provided in the contract. These compacts with the government parties are eager to obtain, and they enter into and sign the obligations with a clear understanding, not only of their own rights, but of the results which must follow if they are faithless and careless of the trust, or derelict in the performance of duty. They enter into the business not only to secure a livelihood, but to accumulate property, and, as a general thing, they are to be controlled only by their pecuniary interests and the certain knowledge that delinquencies in service must be followed by deductions in pay. If this salutary restraint be removed by the operation of facile legislation; if contractors get to understand that they can by influence, tact, importunity, or other means, obtain a revocation of the order imposing penalties for delinquencies, it is evident that the department is powerless to prevent such delinquencies, and that they must increase in exact proportion to the indulgence they meet with. Fines are not imposed and deductions made but with great caution, and after full investigation of all the facts attending each case, allowing the parties interested the advantage of all extenuating circumstances, and of their own explanations. They are not punished because the elements are unpropitious and accidents occur; but obstructions from snow-storms, swollen waters,

broken bridges, &c, &c., are admitted as valid excuses if such causes of failure and delay are reported in season and properly substantiated.

The good of the service and the interests of the public imperatively require, therefore, that the action of the department in imposing penalties be not interfered with by Congress.

Very respectfully, your obedient servant,

J. HOLT,
Postmaster General.

Hon. D. L. YULEE,

Chairman Com. on Post Offices and Post Roads, U. S. Senate.

MESSAGE

to the

PRESIDENT OF THE UNITED STATES

concerning

To the Senate and House of Representatives of the United States of America in Congress assembled.

My dear friends:—I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The Senate has passed the bill on the 10th inst.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The House of Representatives has passed the bill on the 10th inst.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The Senate has passed the bill on the 10th inst.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The House of Representatives has passed the bill on the 10th inst.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The Senate has passed the bill on the 10th inst.

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

The House of Representatives has passed the bill on the 10th inst.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
RETURNING

To the Senate the bill entitled "An act for the admission of the State of Colorado into the Union," with his objections to its becoming a law.

MAY 16, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

I return to the Senate, in which house it originated, the bill which has passed both houses of Congress, entitled "An act for the admission of the State of Colorado into the Union," with my objections to its becoming a law at this time

First. From the best information which I have been able to obtain, I do not consider the establishment of a State government at present necessary for the welfare of the people of Colorado. Under the existing territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators and their own local officers, and are represented in Congress by a delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress—an authority not likely to be exercised, unless in extreme or extraordinary cases. The population is small, some estimating it so low as twenty-five thousand, while advocates of the bill reckon the number at from thirty-five thousand to forty thousand souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts beyond the limits of the Territory, if circumstances shall render them more inviting. Such a population cannot but find relief from excessive taxation if the territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They cannot but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire, or are prepared for, an exchange of a territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held, for the purpose of ascertaining the views of the people upon this particular question. 6,192 votes were cast, and of this

number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory, with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this, the last mentioned result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new States.

Third. The admission of Colorado, at this time, as a State into the federal Union, appears to me to be incompatible with the public interests of the country. While it is desirable that Territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation towards equality among the several States comprising the Union. No State can have less or more than two senators in Congress. The largest State has a population of four millions; several of the States have a population exceeding two millions; and many others have a population exceeding one million. A population of 127,000 is the ratio of apportionment of representatives among the several States.

If this bill should become a law, the people of Colorado, thirty thousand in number, would have in the House of Representatives one member, while New York, with a population of four millions, has but thirty-one; Colorado would have in the electoral college three votes, while New York has only thirty-three; Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity, and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "northwest territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two representatives in Congress, would, in a very short period, be entitled to a great increase of representation. So, when California was admitted on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important mining and commercial community. In the case of Colorado, I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality, which has been so generally adhered to in our history.

If information submitted in connexion with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a territorial legislature held in 1861, 10,580 votes were cast. At the election before mentioned, in 1864, the number of votes cast was 6,192; while at the

irregular election held in 1865, which is assumed as a basis for legislative action at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado; but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact, or are believed by the inhabitants of Colorado to be, richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census, or another election under the authority of Congress, would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State, if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a territorial instead of a State government in Colorado, at its first organization, still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well those represented as those unrepresented, that the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the burdens of the federal government shall be consulted concerning the admission of new States; and that in the mean time no new State shall be prematurely and unnecessarily admitted to a participation in the political power which the federal government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., *May* 15, 1866.

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE FIRST SESSION AT THE CITY OF WASHINGTON, ON MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

AN ACT for the admission of the State of Colorado into the Union.

Whereas, on the twenty-first day of March, anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Colorado to form a constitution and State government, and offered to admit said State, when so formed, into the Union upon compliance with certain conditions therein specified; and whereas it appears by a message of the President of the United States, dated January twelve, eighteen hundred and sixty-six, that the said people have adopted a constitution, which upon due examination is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the constitution and State government which the people of Colorado have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed; and that the said State of Colorado shall be, and is hereby, declared to be one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States, in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State of Colorado shall be, and is hereby, declared to be entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions, of an act entitled "An act to enable the people of Colorado to form a constitution and a State government, and for the admission of such State into the Union on an equal footing with the original States," approved March twenty-first, eighteen hundred and sixty-four.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

LAFAYETTE S. FOSTER,

President of the Senate pro tempore.

I certify that this act did originate in the Senate.

J. W. FORNEY.

Secretary,

By W. J. McDONALD,

Chief Clerk.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A copy of the correspondence between the Secretary of State and Cornelius Vanderbilt, of New York, relative to the joint resolution of the 28th of January, 1864, upon the subject of the gift of the steamer Vanderbilt to the United States.

MAY 21, 1866.—Read, ordered to lie on the table and be printed.

To the Senate and House of Representatives :

I transmit to Congress a copy of the correspondence between the Secretary of State and Cornelius Vanderbilt, of New York, relative to the joint resolution of the 28th of January, 1864, upon the subject of the gift of the steamer Vanderbilt to the United States.

ANDREW JOHNSON.

WASHINGTON, May 16, 1866.

Mr. Seward to Mr. Vanderbilt.

DEPARTMENT OF STATE,

Washington, April 17, 1866.

SIR: I have to inform you that the Congress of the United States by a resolution of the 28th of January, 1864, an attested copy of which is herewith sent, offered you their thanks for your generous gift to the nation during the late war of the steamer Vanderbilt, and requested the President to cause a gold medal to be struck and forwarded to you commemorative of that gift. It is now my pleasing duty to forward the medal to you accordingly. I avail myself of the occasion to express a hope that it may prove acceptable, and also to congratulate you upon the proud consciousness, which you cannot fail to cherish, of having, by the act referred to, rendered your country a signal service at a critical period in its history.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

CORNELIUS VANDERBILT, Esq., *New York.*

A RESOLUTION presenting the thanks of Congress to Cornelius Vanderbilt for a gift of the steamship Vanderbilt.

Whereas Cornelius Vanderbilt, of New York, did, during the spring of eighteen hundred and sixty-two, make a free gift to his imperilled country of his new and staunch steamship "Vanderbilt," of five thousand tons burden, built by him with the greatest care, of the best material, at a cost of eight hundred thousand dollars, which steamship has ever since been actively employed in the service of the republic against the rebel devastations of her commerce; and whereas the said Cornelius Vanderbilt has in no manner sought any requital of this magnificent gift, nor any official recognition thereof: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress be presented to Cornelius Vanderbilt for this unique manifestation of a fervid and large-souled patriotism.

SEC. 2. *And be it further resolved,* That the President of the United States be requested to cause a gold medal to be struck, which shall fitly embody an attestation of the nation's gratitude for this gift, which medal shall be forwarded to Cornelius Vanderbilt, a copy of it being made and deposited for preservation in the library of Congress.

Approved January 28, 1864.

Description of the medal.

The medal, which is of fine gold, is three inches in diameter and weighs seven ounces. The dies were made by Mr. Ellis, after designs by Mr. E. Leutze. The likeness of Commodore Vanderbilt, carefully modelled from life and surrounded by the inscription, "A grateful country to her generous son," form the obverse of the medal, while on the reverse is an allegorical representation of the noble act which the medal is designed to commemorate: patriotism under a threatening sky presenting to America the prow of an armed ship, (the Greek mode of symbolizing an entire vessel,) with the legend, "*Bis dat qui tempori dat.*"

Mr. Vanderbilt to Mr. Seward.

NEW YORK, May 3, 1866.

SIR: Your communication of the 17th of April, informing me that the Congress of the United States had by their resolution of the 28th of January, 1864, tendered to me their thanks for the gift of the steamer Vanderbilt, and requested the President to cause a gold medal to be struck and forwarded to me in commemoration of the gift, has been placed in my hands.

I have also received the medal, together with an attested copy of the resolution, in compliance with which you have caused it to be transmitted.

You have been pleased to express the hope that the medal would be acceptable to me, with your congratulations for the consciousness which you consider I cannot fail to cherish of having, by the act which its presentation commemorates, rendered a service to my country at a critical period in its history.

Permit me, sir, to return my acknowledgment for this national recognition of the act referred to, and to express the satisfaction with which I have received this generous token of remembrance. It may not be inappropriate for me to refer to the transaction which gave rise to the resolve of Congress which your department has now so gracefully executed.

About the year 1856 I formed the design and commenced the work of a steamship, for the purpose of demonstrating that individual enterprise could,

CORNELIUS VANDERBILT.

without the aid of governmental encouragement, place upon the ocean steamships equal at least in magnitude, power and speed, to any which had been constructed under governmental patronage and protection in any part of the world. An expenditure of about one million of dollars produced the steamship Vanderbilt, which carried the flag of our country across the sea in a lesser space of time than any national banner had been hitherto borne.

On the 16th of March, 1862, I received at my residence in this city a letter from the War Department, inquiring if I would undertake to prevent the confederate steamer Merrimac from coming out of the harbor of Norfolk, and urging my immediate attention, as the danger was most imminent and "there was no time to be lost." I answered by telegraph that I would go to Washington the next day. On the morning of the 17th of March I called at the War Department, where I saw for the first time Mr. Stanton, the Secretary of War. He requested me to accompany him to the Executive Mansion, where I was introduced to Mr. Lincoln, to whom I was then personally a stranger. The President asked me if I thought I could with the aid of my steamships do anything to prevent the Merrimac from getting out of Hampton Roads. I replied to him that it was my opinion that if the steamship Vanderbilt was there properly manned, the Merrimac would not venture to come out; or if she did, that the chances were ten to one that the Vanderbilt would sink and destroy her. Mr. Lincoln asked me to name the sum of money for which I would undertake the service. I replied to him that nothing would induce me to become a speculator upon the necessities of the government, and that I would not mention a sum as the value of her charter, but that I would make a gift of her to the government for the service proposed. The President replied, "I accept her." I left him, promising that the Vanderbilt should be at Fortress Monroe properly equipped and officered, under my direction, within three or four days at farthest, and she was there within the time. The requisite instrument of transfer was subsequently executed by me, and transmitted to the War Department.

The resolution of Congress of which you have informed me truly states that I have in no manner sought requital for the gift, and the recognition of it which, in the discharge of your official duty, you have given me was altogether unsolicited. I shall proudly preserve the splendid token of appreciation which you have transmitted to me, and it is my hope that those who come after me as they read the inscriptions of the medal, and are reminded of the event in their father's life which caused it to be struck, will inflexibly resolve that, should our government be again imperilled, no pecuniary sacrifice is too large to make in its behalf, and no inducement sufficiently great to attempt to profit by its necessities.

I am, sir, your very obedient,

C. VANDERBILT.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

LETTER
FROM
THE SECRETARY OF WAR,
COMMUNICATING

In compliance with a resolution of the Senate of the 10th of January, information relative to the payment of one hundred dollars to the ten regiments of Missouri State militia mustered into the United States service.

MAY 22, 1866.—Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington, May 19, 1866.

SIR: In compliance with the Senate's resolution of the 10th of January, requesting the Secretary of War to inform the Senate whether the bounty of one hundred dollars has been paid to the ten regiments of Missouri State militia mustered into the United States service; and if not, the reason for refusal, I have the honor to enclose herewith the Paymaster General's report on the subject, with a copy of Solicitor Whiting's opinion, dated March 24, 1864, containing the reasons why the bounty has not been paid.

The question as to whether these bounties were payable under existing laws having arisen in the pay bureau, it was referred to the Solicitor of the War Department for investigation and opinion. That opinion, which was adverse to the claim under existing laws, has been excepted to by able counsel on the ground that certain facts and legal enactments were overlooked which materially affect the question. But the Secretary has not felt at liberty to make so large an expenditure of money against the opinion of the law officer of the department, when all doubts might be removed by legislative action. He has, therefore, declined to pay these bounties until plainly directed by Congress.

Reports of the meritorious service of these troops elsewhere than in the State of Missouri during the war, by military commanders cognizant of the facts, are herewith submitted. These reports are believed to be correct in fact. Whether in view of the service the claim for bounties should be paid appears to be a question of legislative discretion, that can be appropriately determined only by Congress. From the military reports the claim seems to be meritorious.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON, *Secretary of War.*

Hon. L. F. S. FOSTER,

President of United States Senate.

WAR DEPARTMENT,
Washington City, March 24, 1866.

SIR: In answer to your inquiry what bounty, if any, the Missouri State militia or recruits for the same are entitled to, who have been mustered into the United States service for three years unless sooner discharged, (under provisions contained in General Order No. 96, of 1861, from the Adjutant General's office,) I have the honor to reply that the forces referred to were a body of "State militia" raised by the governor of Missouri, by authority of the General Order

above referred to, to serve during the war; to co-operate with the troops in the service of the United States in repelling the invasion of Missouri and in suppressing rebellion therein; to be governed by the regulations of the United States army, subject to the articles of war, but not to be ordered out of the State of Missouri except for the immediate defence of the said State.

The General Order above referred to further provides :

"The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force, in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States, in accordance with the regulations of the United States army and such orders as may from time to time be issued from the War Department, and in no other manner, and they shall be considered as disbanded from the service of the United States whenever the President may direct "

The Missouri State militia, therefore, were, in the language of the order, "State forces," or militia of the State, bound to serve *as such* during the war; to co-operate with the troops in the service of the United States in repelling invasion and putting down rebellion in their own State, with the provision that when such State militia should be engaged in active service, they were to be armed, equipped, subsisted, and paid by the United States, but they were not to be ordered out of the State for general service; and they were to be disbanded from the service of the United States (but not from the service of the State) whenever the President might so direct.

They are, therefore, militia of the State of Missouri, and not a part of the regular or volunteer forces of the United States.

Their right to bounty does not depend upon the degree of merit or efficiency of their public service. They are entitled only to what the acts of Congress secure to them.

This inquiry does not relate to pensions or allowances for re-enlistments.

The statute of the United States passed July 22, 1861, section 5, provides that any volunteer non-commissioned officer, private, musician and artificer, who enters the service of the United States *under this act*, shall have certain pay and allowances, and *in addition thereto*, if he shall have served for a period of two years or during the war, if sooner ended, the sum of one hundred dollars; and the statute, chapter 24, of 1861, section 5, secures to the men enlisted in the *regular forces* the same bounties as those allowed or to be allowed to the volunteer forces.

By statute passed July 22, 1862, chapter 133, section 6, one-quarter part of this bounty may be paid immediately after enlistment to every soldier of the regular and volunteer forces thereafter enlisted.

The statute passed July 17, 1862, chapter 201, section 3, gives to men volunteering for nine months a bounty of \$25, to be paid when their company or regiment is mustered into the service.

And section 4 of the same statute authorizes the acceptance of volunteers for twelve months to fill up regiments of infantry then in the United States service; and these recruits, when mustered in, are to be in all respects on the same footing as similar troops in the United States service, except as to service bounty, which shall be \$50, one half to be paid upon their joining their regiments, and the other half at the expiration of their enlistment.

In all these enactments there appears to be no provision for payment of *service bounty* to State militia. The statutes passed July 29, 1861, chapter 25, authorizes the President of the United States to call into service the militia of the States in certain cases, and in section 3 provides that the militia so called into the service of the United States shall, during their term of service, be entitled to the same pay, rations and allowances for clothing as are or may be established by law for the army of the United States, but no provision is made for the payment of any service bounty, and we must infer that it was designedly omitted.

The General Order No. 96, under which the body of Missouri forces referred to was raised, states, that these State forces shall be armed, equipped, clothed, subsisted, transported and paid in accordance with the regulations of the army and such orders as may be issued from the War Department, and in no other manner, and nothing is said of a service bounty, and no regulation of the army or special order of this department is known to exist giving these troops a bounty of that description.

A distinction is clearly made in the statutes between regular or volunteer forces enlisted directly into the service of the United States and militia temporarily called into service by the President.

Thus, in the statutes passed February 7, 1863, chapter 23, (which gives authority to the governor of Kentucky to raise in that State a volunteer force to be employed within the limits of Kentucky,) the 4th section provides that these troops shall be mustered into the service and placed on the same footing as other volunteers in the service of the United States, as to pay, subsistence, clothing and other emoluments, *except bounty*, for and during the time they may be in actual service.

It may reasonably be supposed that Congress intended to give to the militia of Kentucky raised under this act as liberal rewards for patriotic services as to the militia of Missouri. Neither are entitled to the enlistment bounty, or to the service bounty, under the statutes and General Order aforesaid.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM WHITING,
Solicitor of the War Department.

Hon. E. M. STANTON, *Secretary of War.*

Approved. By order of the Secretary of War:

E. R. S. CANBY,
Brigadier General, A. A. G.

WAR DEPARTMENT, *March 31, 1864.*

Official copy respectfully furnished the Paymaster General of the army for his information.

W. SCOTT KETCHUM,
Acting Inspector General.

A true copy:

B. W. BRICE,
Paymaster General.

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, January 11, 1866.

SIR: In reply to the resolution of the Senate, dated January 10, 1866, requesting from the Secretary of War information "whether the bounty of one hundred dollars, authorized by the fifth section of the act approved July 22d, 1861, has been paid to the ten regiments of three years' volunteers organized in Missouri, and mustered into the United States service, known as Missouri State militia; and if not paid, that he state the reason now existing for such refusal," and which has been referred to this office, I have the honor to report as follows:

That said bounty has not been paid to the ten regiments known as the "Missouri State militia," raised under the provisions of General Orders No. 96, series of 1861, for the reason that a decision of the War Department refused the bounty allowance in this case. A copy of which is herewith.

I have the honor to be, very respectfully, your obedient servant.

B. W. BRICE,
Paymaster General.

Hon. EDWIN M. STANTON, *Secretary of War.*

ST. LOUIS, *January 29, 1866.*

SIR: In reply to your request asking me to inform you if the Missouri State militia served with me in any other State than Missouri, and if that service, if rendered, was done willingly, I have the honor to state that from June 1, 1862, to January 18, 1863, I was on duty in the field in southwest Missouri and Arkansas, and during most of that time had the command of the southwestern district, which was the advance line of the Union forces, and that the larger proportion of the troops with me were Missouri State militia. That repeated raids and expeditions were made into Arkansas during that time by these troops, and there was no hesitation on their part to perform their duty cheerfully. The official reports will show that some of these expeditions resulted in important captures of the property and troops of the enemy, and that all were successful affairs. The Missouri State militia served with me for three years, side by side with volunteers under another name, and I never recognized any difference in the kind or value of service they performed.

I am, very truly, your obedient servant,

E. B. BROWN,

Late Brigadier General of Volunteers.

Colonel SAMUEL P. SIMPSON,

Adjutant General of Missouri, Jefferson City.

NEW LONDON, CONN., *December 3, 1865.*

COLONEL: I have the honor to acknowledge the receipt of your communication of the 18th ultimo, in relation to the character, services, discipline, &c., of the "Missouri State militia," and I take pleasure in replying thereto at my earliest possible convenience. At the date of the arrival of your communication in New London I was absent, and did not, accordingly, receive it as soon as otherwise I should have.

As you are aware, I was one of the very first among those whose position and surroundings brought them in contact with the rebellious spirits of 1861 in Missouri; and the greater portion of my military life, since the initiation of the rebellion, has been within the borders of Missouri and her sister State, Arkansas, and always, more or less, in connexion with the men of those States. I was among the first, also, who were made brigadier generals of the Missouri State militia, and have served with them in campaign and on the field of battle, and hence must know something of their virtues and their faults. They were not, as an organization, the first patriots of Missouri who rushed into the war, yet they proved none the less earnest, true, and useful, as a body of patriots, when the evidences were developed which evinced the real intentions and purposes of the rebellion. They were, certainly, individually, and as a whole, among the truest men your State sent into the field against the rebels; not always perfect, it is true, as a skilled soldiery, yet so much so that their virtues more than a hundred fold outweighed their faults. They are, to all intents and purposes, earnest and *patriotic volunteers*; and it was a mistake, an unfortunate misnomer, and a great wrong, to call them militia, in the popular acceptation of the term. The Missouri State militia—the "ten thousand"—was principally composed of real, *bona fide* citizens and owners of the homes and soil of Missouri; and they went into the service of their country with their eyes wide open, and with a thorough understanding of what they were doing, and of what dangers *at home*, in campaign, and on the field of battle, they would have to confront. These men came from every part of your State—from every city, town, village and *lonely farm* within Missouri's borders; and at a time, too, when it was imminently dangerous (especially to the isolated) for men to acknowledge their al-

legiance to the Union cause and federal government. Their record shows them to have been zealous, willing, obedient, true men, citizens, and soldiers, so far as related to their duties and the cause in which they were engaged; and no impartial judge, knowing the whole of their history in all its details and bearings, can do otherwise than accord them, individually and collectively, merited honor.

The Missouri State militia is entitled to all a grateful country may accord to its stanchest patriots and supporters; and if rewards of any kind are granted by the federal government to the soldiers who fought its battles, the Missouri State militia should not be forgotten.

In conclusion, let me say that I have commanded at various times, and under almost every circumstance of a soldier's life, large numbers of the Missouri State militia, both in and out of the State, and can conscientiously say that in discipline, efficiency, and willingness to perform their duties, when and wherever called upon, the organization was as reliable and as much to be depended upon as the same number of similarly armed and equipped volunteers which I ever had the honor to command. They marched with myself and other officers within and without the State of Missouri—crossed and recrossed the borders between Arkansas and their own State, on various occasions, by night and day, in winter and summer, and at all times with zeal and alacrity—a *cheerful willingness*, which, on certain of these occasions, proved anything else than pleasure trips to those concerned.

I am, very respectfully,

JAMES TOTTEN,

Major, Asst. Inspector Gen. and Bvt. Lt. Col. U. S. A.

Colonel S. P. SIMPSON,

Adjutant General of the State of Missouri.

HEADQUARTERS DISTRICT OF WISCONSIN,

Milwaukie, Wisconsin, December 15, 1865.

SIR: As has been suggested to me, I desire to offer my testimony in favor of the usefulness of the class of troops known as the "Missouri State militia."

During the year 1864, while I was serving in the "Department of Missouri," upon various occasions, I had occasion to observe the gallant conduct and "esprit du corps" which characterized this force. Especially during the campaign against Price, in the fall of that year, it was more conspicuous.

They have never, to my knowledge, refused to leave the line of the State, which the terms of their enlistment as a local force might be construed to justify, but they were always ready to follow, seek, and fight the enemy either within or without the borders of their State.

I am impressed that in all respects they possessed the characteristics of other United States volunteers.

Very respectfully, your obedient servant,

A. PLEASANTON,

Major General of Volunteers.

Hon. JOHN B. HENDERSON,

United States Senator from Missouri.

P. S.—In the campaign against Price, they did pursue Price willingly into Kansas, and fought several battles in that State.

A. PLEASANTON, *Major General.*

ST. LOUIS, Mo., *December 1, 1865.*

SIR : At your suggestion, I desire to offer my testimony in reference to services performed by men of the Missouri State militia force outside the lines of the State, and to present a statement of facts taken from my memoranda.

In March, 1863, (25th,) I ordered Major Torrey, of second Wisconsin cavalry volunteers, to cross the St. Francis river, with four companies of his own regiment and a detachment of the second cavalry Missouri State militia, under Major H. Hiller, to disperse a rebel force on Crowley's Ridge, in the State of Arkansas, under Jeff. Thompson. They pursued as far as Gainesville, Arkansas, the soldiers of the Missouri State militia as well as volunteers serving actively and cheerfully.

A subsequent expedition under Major Hiller, composed entirely of soldiers of the second cavalry Missouri State militia, was made over the same ground, capturing many prisoners and breaking up and dispersing a camp of the enemy.

The sixth cavalry Missouri State militia and a detachment of the eighth cavalry Missouri State militia joined Colonel Cloud, of Kansas volunteers, by my orders, in the summer of 1863, and pursued Steel and Cooper, with their rebel bands, across the Arkansas, and participated in the battle of Buckhorn Ridge, under General Blunt.

In October, in the same year, the sixth and eighth regiments of Missouri State militia marched with me to the Arkansas river in pursuit of Shelby, cheerfully rendering the service, even when out of rations.

In the pursuit of Price, in the fall of 1864, the fifth and ninth cavalry Missouri State militia, under me, bravely participated in the battle of Mine Creek, which was fought in the State of Kansas.

I have always found the different regiments of Missouri State militia ready and willing to march whenever or wherever ordered, and to meet the enemies of the Union where they could find them. No other troops have performed so much service in Missouri, and no troops have fought better when in action. They have always been orderly, subordinate, and dutiful, as well as vigilant, patriotic men, patient of endurance.

If what I have stated can be of any use in putting the men of the Missouri State militia force upon the same footing with other United States volunteers as regards allowance of bounty, I shall feel well rewarded for the trouble which I have taken in writing this letter.

Very respectfully and truly, your obedient servant,

JOHN McNEIL,

Late Brigadier General U. S. Vols.

Hon. JOHN B. HENDERSON,

United States Senator from Missouri.

CINCINNATI, O., *June 30, 1866.*

SENATOR: I learn you are advocating some bill affecting the rights of the Missouri State militia, and that my testimony to their military character and conduct while under my command will aid in securing these rights.

I love justice, and respect the services of that patriotic body of our American soldiery too much to hesitate at once to write you and to say:

1. They constituted the main body of the troops under my command while in the department of Missouri, both for the protection of the State against a sanguinary and relentless guerilla warfare and against rebel invasion, and under the most discouraging circumstances nobly, faithfully, and bravely performed their duty—duty which, but for them, would have required United States volunteers.

2. I esteemed them all the more, because I found them faithful to duty under very discouraging circumstances as to mode of officering, mounting, and pay.

3. Soon after assuming command of the department, I became satisfied that we could have no real peace in Missouri until we had destroyed the rebel power west of the Mississippi. I therefore sent to consult General Sherman, and got him to urge on General Grant, to whom as well as to the War Department I wrote, representing that the best way to guard Missouri, Kansas, and Arkansas, as well as Louisiana, was to combine all our spare troops west of the Mississippi under one commander, and, by an offensive campaign against the rebels west of the river, destroy them. But before writing this to the War Department, which I did as early as the 10th of March, 1864, I sounded the Missouri State militia, both directly and indirectly, and became fully satisfied that they would follow and fight the enemy without regard to State limits, and that their enlistment as Missouri State militia arose neither from apprehensions of danger or hard service nor from semi-loyalty, but from an anxious desire to secure their homes from dangers of blood and devastation, only to be fully understood and appreciated by those acquainted with their local circumstances and condition. It was the *entire confidence which I had in them* which made me the more ready to propose that movement, the failure to approve which led to the disasters to Generals Steele and Banks, and the subsequent invasion of Missouri.

If this testimony shall aid in having justice done to the Missouri State militia, who, in my judgment, deserve as well of their country as the United States volunteers, I shall be glad.

W. S. ROSECRANS,
Brigadier General United States Army.

Hon. J. B. HENDERSON,
United States Senate, Washington, D. C.

WASHINGTON CITY, D. C., *December 17, 1865.*

GENERAL: Yours of the 6th instant, concerning bounties for the peculiar troops of the denomination "M. S. M.," or Missouri State militia, is duly received, it having followed me to this place.

These troops I always considered United States volunteers, subject to duty in and out of the State, and I considered them perfectly reliable everywhere. I often sent them beyond the Missouri border to fight, and many of them poured out their blood on distant battle-fields for our cause and country; and I have also shared with them the conflicts which mingled in common graves their bodies with their comrades from Iowa, Illinois, and Kansas.

Governor Gamble claimed more immediate command of the "E. M. M.," but as to the "M. S. M." my authority was considered absolute, even to the extent of prohibiting this force from meddling with any protection of a master over his slaves. And no troops, as a class, were more loyal and devoted to the cause and *means* adopted to destroy the rebellion.

There was only a sort of implied agreement that this corps should, as far as convenient, be kept in and near Missouri; but whenever service required it, I sent them beyond our State lines, and never heard a murmur of objection.

Surely these troops are entitled to bounties and the grateful consideration of our country.

Respectfully yours,

S. R. CURTIS, *Major General.*

BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
STATES OF KENTUCKY, TENNESSEE AND NORTHERN ALABAMA,
Assis't Comm'r's Office, Nashville, Tenn., December 2, 1865.

COLONEL: I have the honor to state, in behalf of the Missouri State militia, that the 1st, 2d, and 3d regiments were in my command, in the district of south-east Missouri, in 1862 and 1863; that they cheerfully served with me in the

State of Arkansas, never hesitating but always eager to cross the State line and fight the enemy. Missouri State militia captured Jeff. Thompson and his entire command in the State of Arkansas in August, 1862. I have never commanded more efficient or more thoroughly disciplined troops than the Missouri State militia, and I am quite sure that the country had no troops more soldierly and efficient than the men who were constantly fighting in Missouri and Arkansas for three years in the State militia corps. I trust they will receive the same consideration at the hands of the government as has been accorded to the equally faithful volunteer organizations.

I am, colonel, with great respect, your obedient servant,

CLINTON B. FISK,

Brigadier General, Assistant Commissioner.

Colonel SAMUEL P. SIMPSON,

Adjutant General of Missouri, Jefferson City, Missouri.

HEADQUARTERS SOUTHERN DISTRICT OF MISSISSIPPI,

Natchez, November 1, 1865.

In compliance with a suggestion which I have received, I desire to bear my testimony to the faithful service of the Missouri State militia during the period I was in command in Missouri, both as a district and a field commander.

In all the various expeditions in which this force formed part, ordered from my headquarters, in 1863-'64, under General McNiel and other commanders, their duty was as well and patriotically performed as that of the volunteers. Particularly in the expedition of General Marmaduke, of the rebel service, into Missouri, in the spring of 1863, was their courage, fidelity, and enthusiasm, in pursuit of and combat with the enemy displayed. The militia formed part of the troops who met the first shock of the enemy at Pilot Knob, who fought him at Cape Girardeau, and who pursued him beyond the State line into Arkansas. The defence of the bridges of the Iron Mountain railroad was made by these troops, and was completely successful. In all my experience of the State militia I have known no instance where they refused to leave the State, but, on the contrary, have been anxious to meet the enemy, whether within or without its borders.

I am, sir, your obedient servant,

J. W. DAVIDSON,

Brevet Major General, Commanding.

Hon. J. B. HENDERSON,

United States Senate.

NEW ORLEANS, *February 5, 1866.*

DEAR SIR: Owing to absence in Texas, your favor of the 18th December did not reach me until lately, and I take the first opportunity to reply. While operating in the State of Missouri I had quite a number of the State militia under my command, and can without hesitation state that they did good service. The only regiments that I now recollect to have taken out of the State with me were the 7th and 8th cavalry, and both did excellent service in Arkansas. Of course it was done "willingly," or it could not have been done well. Most of the "State militia" were quite as well drilled and disciplined as the volunteer forces.

Very respectfully yours,

F. J. HERRON,

Late Major General U. S. V.

General S. P. SIMPSON.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

ANNOUNCING

The death of Winfield Scott, late Lieutenant General in the army of the United States.

MAY 30, 1866.—Read and ordered to be printed.

To the Senate and House of Representatives :

With sincere regret I announce to Congress that Winfield Scott, late Lieutenant General in the army of the United States, departed this life, at West Point, in the State of New York, on the 29th day of May, instant, at 11 o'clock in the forenoon. I feel well assured that Congress will share in the grief of the nation which must result from its bereavement of a citizen whose high fame is identified with the military history of the republic.

ANDREW JOHNSON.

WASHINGTON, May 30, 1866.

MEMORANDUM

PRESIDENT OF THE UNITED STATES

WASHINGTON

The House of Representatives, late President Grant, in the House of the United States.

Mr. Grant, President of the United States.

To the Senate and House of Representatives:
I have the honor to acknowledge the receipt of your letter of the 11th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
Your obedient servant,
ANDREW JOHNSON.

W. L. G. (Seal)
Secretary of the United States

LETTER
FROM THE
POSTMASTER GENERAL,

IN ANSWER TO

A resolution of the Senate of February 23, relative to the establishment of a telegraph in connexion with the postal system.

JUNE 4, 1866.—Referred to the select committee on incorporating a national telegraph company, and ordered to be printed.

POST OFFICE DEPARTMENT,
Washington, June 2, 1866.

SIR: In answer to the resolution of the Senate relating to the establishment of a telegraph in connexion with the postal system, I have the honor to communicate detailed replies to interrogatories made by myself from experts in telegraphy.

1. From Henry J. Rogers, telegraphic engineer.
2. From George B. Prescott, author of the work on "The History, Theory, and Practice of the Electric Telegraph," published in 1860.
3. From the executive officers of the "American," "Western Union," and "United States" Telegraph Companies.

It will be seen from these communications that the subject is fully discussed, while they contain much valuable information as to the cost of constructing and operating lines, and the average receipts for several years of the principal telegraph corporations of the United States.

As the object of the Senate, in referring its resolution to this department, was to ascertain facts to enable it to form an intelligent judgment on the expediency of making the telegraph a part of the postal system, and as the accompanying replies furnish such facts in large measure, I do not deem it important to express at any length my individual opinions on any branch of the subject.

The resolution contemplates the establishment of the telegraph along the principal mail routes only. I confine my estimates, therefore, to railroad lines.

The mails are now transported by rail 32,112 miles, to which will be added, on the completion of the Pacific railroad, say 2,000 miles—making, in all, 34,112 miles of railway service. Estimating two-thirds of this distance as covered by the principal mail routes, within the meaning of the Senate resolution, the telegraph would be required for 22,741 miles, costing for construction of a single wire line, at \$150 per mile, \$3,411,150. But as a three-wire line will not be above the average of the facilities required on the principal mail routes to accomplish any practical purpose in aid of the Post Office Department, it is safer to estimate the construction upon that basis, rather than upon a single wire, which will increase the cost to \$300 per mile, or \$6,822,300. The cost of construction of a six-wire line, I estimate at \$580 per mile, with 30 poles to the mile, and no allowance of extra expenses for running through cities, nor for

submarine cables. The annual cost of maintaining lines, salaries, repairs, &c., included, I estimate at 10 per cent. on cost of construction, and the depreciation of all kinds at 8 per cent. per annum.

Experts differ in opinion as to the durability of telegraph lines. No certain estimate can be made, as their permanence necessarily depends on the character of the materials used in their construction, the care with which they are managed, climate, and other local causes referred to in the accompanying replies.

I do not submit estimates of receipts, gross or net, which will depend so largely on the manner in which the system will be managed to secure or lose the public confidence, and be so much affected by the character and extent of the competition of private organizations that I would regard any estimate too uncertain to be relied upon.

As the result of my investigation, under the resolution of the Senate, I am of the opinion that it will not be wise for the government to inaugurate the proposed system of telegraphs as a part of the postal service, not only because of its doubtful financial success, but also its questionable feasibility under our political system.

I am, very respectfully, your obedient servant,

W. DENNISON,

Postmaster General.

Hon. LAFAYETTE S. FOSTER,

President pro tempore U. S. Senate.

BALTIMORE, *March* 10, 1866.

SIR: In reply to your note of the 5th instant, I have the honor to make the following statement:

1. I herewith submit a rough-mapped system of telegraph, embracing all the prominent commercial cities of the United States, giving to each place two independent routes, so as to insure telegraphic communication at all times. By referring to the red lines of the map each route can be readily traced, and which I estimate in the aggregate at 12,000 miles of telegraph. In selecting the routes I have endeavored to place Washington, or all the departments, in communication with the capital and principal seaport of each State, or where the bulk of telegraphic business originates.

2. As regards "the cost of construction and engineering," I have based my estimate with a view to the construction of the lines in the most permanent manner, far superior, in fact, to the lines which have been constructed by private companies. The average cost of the proposed lines at the present price of material, embracing at most six wires on the main routes, would average eight hundred dollars per mile, making the total cost of the lines, with instruments and batteries included, upwards of ten millions of dollars. While on the subject of construction it would be desirable to consider the policy of constructing subterranean lines on some of the main routes, say from Boston to Washington, as lines of that character have been successfully used in England for the past ten years.

3. In answer to your inquiry "how the system can be operated most effectually at the least expense to the government," I have to say that the expense of offices, a large item of expenditure, would be saved by running the wires into the different post offices on the route of the lines. 2. That the postmaster of the larger post offices could exercise a general supervision over the telegraph offices of his district, a competent assistant superintendent of telegraph being placed in charge of the wires radiating from each office, who should be held responsible for the prompt repair and working of the lines within his district;

the operators and clerks being responsible to and subject to suspension by him. Smaller stations, or way offices, which are required for locating the points between which breaks of the wires or interruptions to the line occur, might be filled by telegraphers, who are competent to discharge the duty of postmaster; while wounded officers, soldiers, and sailors, who have been honorably discharged from the service, might be instructed as operators, and pensioned in this way by the government. The field would still be large enough for the employment of all first-class telegraphic operators as the staff of the Post Office Department.

4. "In regard to the annual cost of maintaining the lines when established, and what percentage to be allowed for depreciation of all kinds." The annual cost for maintaining the lines, salaries, repairs, &c., included, I estimate at \$1,000,000. I also estimate the percentage for depreciation of all kinds at eight per cent. per annum. The annual receipts you have not asked; I, however, estimate them at \$2,000,000. In forming this estimate, I have not had in view a reduction of the rates, which I believe would largely increase the receipts without adding materially to the force of operators required to meet the demands which cheap telegraphing would invite. For an estimate of the annual receipts of the different telegraph companies, and to substantiate my views, I respectfully refer you to the Commissioner of Internal Revenue. These receipts you will find enormous in the aggregate; therefore, the department would be fully justifiable in recommending that the revenue derived from this source should be applied towards sustaining the department over which you preside. The following is an estimate of the capacity and revenue to be derived from each wire of the telegraph, the government charging only two-sevenths of the present rates charged by private companies between Washington and New York. A good operator is capable of transmitting over a single wire twelve words per minute, or seven hundred and twenty words per hour. For twenty-four hours this would give 17,280 words, or eight hundred and sixty-four messages of twenty words each, including the address and signature. Therefore, eight hundred and sixty-four messages, at twenty cents each, would amount to \$172 80—a low estimate of the capacity of each wire. Six wires, at \$172 80 each, would amount to \$1,036 80 per day. Estimating three hundred working days per annum at \$1,036 80 per day, amounts to \$311,000 per annum for a line of six wires, two hundred and forty miles in length. This estimate is based only on the transmission of 5,184 messages as the aggregate of daily business, divided between the cities of Washington, Baltimore, Philadelphia, and New York. At ten cents per message we would obtain \$155,500, which is more than double the expense required for maintaining the line.

5. You ask "what legislative securities are necessary for protection." I answer, all the States have enacted laws protecting the property of telegraph companies against the acts of malicious persons, but the fact of the lines being declared government *post roads* or highways would give all the protection desired. During our conversation on the subject of establishing a system of telegraph for the government, the question was raised by you, where could the authority be found justifying an appropriation by Congress for the purpose; and upon an examination of my books, I observe that Mr. Chappell, from the Committee of Ways and Means of the House of Representatives, made a report on the 3d day of March, 1845, in compliance with a resolution of Congress instructing said committee to inquire into the expediency of reporting a bill to extend the government line of telegraph from Washington to New York. I therefore most respectfully refer you to that elaborate and far-seeing report on the subject.

I have the honor to be, very respectfully, your obedient servant,

HENRY J. ROGERS,

Telegraphic Engineer.

Hon. W. DENNISON, *Postmaster General.*

ALBANY, April 24, 1866.

SIR: I have the honor to acknowledge the receipt of your favor of the 16th instant, referring me to the speech of Hon. B. Gratz Brown, made in the Senate of the United States on the 23d of February last, in explanation of the proposition for the government to establish telegraph lines to be used in connexion with the Post Office Department, and requesting me to inform you what explanation, if any, I may wish to make on the references of Mr. Brown to my work, "The History, Theory, and Practice of the Electric Telegraph," published in 1860, and also whether my estimates of the construction and maintaining of telegraph lines, as quoted by the senator, are, in my opinion, reliable as a basis for estimates for such construction and maintaining of telegraph lines at this time; and if not, what difference in the estimates should be now made.

You also do me the honor to add that you will be greatly obliged for any suggestion I may have the leisure to make to you on the general subject covered by the Senate resolution referred to.

In reply to the above inquiries, permit me to remark that the quotations from my work embodied in the speech of the Hon. Mr. Brown were doubtless made after a cursory examination of its contents, and convey a very erroneous idea of the subject treated upon by it.

The first statement which he makes, citing my authority, is that the telegraph companies "will let no one but the Associated Press, another giant monopoly, send any special despatch or news to any paper except from Washington or Albany."

This statement is entirely incorrect, and is nowhere made in my book. Mr. Brown doubtless derived his impression from a misapprehension of the last paragraph on page 386, which is the conclusion of an article entitled "The Associated Press of the United States," and is as follows: "*By the rules of the Associated Press*, no journal can receive an exclusive despatch from any other points than Washington and Albany." This paragraph was written in 1859, giving one of the rules which the members of the Associated Press then imposed upon each other for their mutual benefit, and had no connexion whatever with any telegraph company, or with any newspaper not belonging to the association. The rule became inoperative on the breaking out of the rebellion, and has not been in force since. It is scarcely necessary to say that the enforcement of such a rule by any telegraph company would be not only contrary to law, but manifestly against its interest. One leading object of all telegraph companies is to increase the business of their lines, and they have always courted the patronage of the press in every part of the country by reducing their charges to the minimum rates and making every effort to meet the requirements of these important and valuable customers.

Referring again to Mr. Brown's speech, in which he states that "it was estimated in 1861 that there were 50,000 miles of telegraph in the United States, and that there has, perhaps, been no very extensive addition made since then, except the line to the Pacific—say 2,000 miles," permit me to say that the number of miles of electric telegraph in operation in the United States in 1859 was upwards of 50,000, and that the increase in the past seven years has been very great. Two companies alone, the American and Western Union, have over one hundred and ten thousand miles of wire in operation, and other lines, belonging to rival and connecting companies, will swell the aggregate to more than three times the amount estimated by Mr. Brown.

The next quotation from my work gives a portion of a paragraph estimating the cost of constructing lines at \$61 80 per mile, but omits the conclusion of the paragraph, which is as follows: "This is about the cost of construction of a majority of our lines; but if built as they should be, they would cost \$150 per mile."

It is well known by every person who has any knowledge of telegraphy in

this country previous to the publication of my work in 1860, that comparatively few lines had been at that time even tolerably well constructed; and one object which I had in view in writing it was to call attention to this prevailing fault, and endeavor to get a better system inaugurated. Thus, on page 231 is the following: "But though we surpass all other nations in the value of our electric apparatus, we are far behind many, and, indeed, most countries, in the construction of our lines. This does not arise from want of knowledge or of means, but from the custom which obtains to a great extent among all classes and professions in this country, of providing something which will answer for a time instead of securing a permanent success.

" 'But to my mind—though I am native here,
And to the manner born—it is a custom
More honored in the breach than the observance;'

especially in building lines of electric telegraph, where the best are always the cheapest."

Since then there has been a very marked improvement in the construction of telegraph lines in this country. Small poles, of inferior wood, which required renewing every few years, have given place to large and more enduring ones of chestnut and cedar, and small iron wire, which offered great resistance to the passage of the electric current, has given place to zinc-coated wire of larger size and greater conductivity.

But while the quality of the lines has greatly improved under the experienced and liberal management of the telegraph companies, the cost of constructing lines has kept pace with the increased cost of everything else, and has more than doubled within the past six years, so that lines which could have been built in 1860 for \$150 per mile could not now be constructed for twice that amount. A substantial telegraph line, constructed on the line of a railroad, with cedar or chestnut poles thirty feet in length, and six inches at the top by twelve at the butt, set forty to the mile, with most improved form of insulator and best galvanized wire, would cost \$400 per mile for a single wire. Additional wires would cost \$200 per mile. If forty-foot poles were used (which would be necessary if many wires were to be placed upon one set of poles) it would cost six hundred dollars per mile for a single wire, and the same price per mile for additional wires as in the case of the thirty-foot poles. When fifty-foot poles are used the cost is very greatly enhanced.

Mr. Brown estimates the total cost of all the telegraph property in the United States at "a little more than \$2,000,000." Now, if we estimate the present cost of the lines and their equipment at the moderate price of \$300 per mile, and the number of miles of wire in the country at only 150,000, we have a total cost of \$45,000,000, without reckoning the value of the patents, franchises, &c.

Mr. Brown states that "telegraphs properly constructed, the timber well prepared and wire protected, will last for twenty years." This may be true, but it remains to be proved. I don't believe it. The best lines that have been constructed thus far have not lasted over ten years without reconstruction, while large sums have always been annually expended upon them in repairs. Telegraphs are proverbially perishable property. There is nothing about them of a stable character. The poles rot in the ground, and very rapidly near the surface; the wire oxidizes through the action of the atmosphere, and soon melts away, or "rusts out," to use a more common expression; the insulators are broken or destroyed in a thousand ways. I think the wonder should be, not that they don't last longer, but that such fragile, perishable, and totally unprotected sentinels of the public, stationed over such vast and dreary wastes, isolated oftentimes from every other species of property, should last as long as they do.

Referring to the capacity of a line to transmit messages, Mr. Brown says truly, "that much depends on the instrument used—more, however, on the

skill of the operator"—and then adds: "Thus the work of Mr. Prescott states that the Bain instrument will transmit over five thousand words an hour, the House three thousand words, the combination system two thousand words, and the Morse about the same. The combination is the system now in general use." There are so many inaccuracies in the above that I will quote the paragraph from my book in full from page 231: "The rapidity of the several instruments in use may be given as follows: Cooke & Wheatstone's needle telegraph of Great Britain, nine hundred words per hour; Froment's dial telegraph of France, twelve hundred; Bréguet's dial telegraph, also French, one thousand; Siemen's dial telegraph, formerly used upon the Prussian lines, nine hundred; Bain's chemical, in use between Liverpool and Manchester, and formerly to a considerable extent in the United States, fifteen hundred; the Morse telegraph, in use all over the world, fifteen hundred; the House printing, used in the United States to a limited extent, and in Cuba, twenty-eight hundred; Hughes's and the combination, two thousand."

Mr. Brown is scarcely justified in citing me as authority for the statement that the Bain instrument will transmit over five thousand words an hour, when I have explicitly given the maximum rate at fifteen hundred for that system. On page 134, referring to Mr. Bain's ingenious but thus far impracticable method of fast writing, I said: "But it would be doing Mr. Bain a manifest injustice not to mention his method for rapid writing, which, *in theory*, could transmit intelligence with the greatest accuracy at the astonishing rate of five thousand words per hour."

The difference between *theory* and *practice* is oftentimes very great, and this invention of Mr. Bain serves as a good illustration of it; for, although he devised his method for rapid writing more than twenty years ago, it has never been of the slightest practical utility up to the present time. Mr. Brown's theory of sending telegrams at postal rates is another illustration of this difference, which I think he will be willing to acknowledge after he has given the subject a more thorough examination.

I deem it proper to remark, in this connexion, that the speeds given above for the various instruments are the maximum performances of well-skilled operators upon lines in perfect order, and that the ordinary working of the best lines will scarcely average more than half the above rates of speed.

Mr. Brown's assertion that "the combination is the system now in general use" is exceedingly incorrect, there being less than one thousand miles of wire upon which this instrument is employed. It is well known that the Morse instrument is everywhere used almost exclusively. Of the five hundred thousand miles of telegraph in operation in all parts of the world, all the other instruments combined are employed upon less than twenty thousand miles of it.

Mr. Brown's data being thus shown to be incorrect, it naturally follows that his conclusions, based upon these data, are also unreliable. Permit me, however, to refer briefly to some of his estimates. He proposes to construct a line between Washington and New York, consisting of six wires, to be worked at a total expense per annum of \$25,694 20. He says, "the capacity of such a line, working only half the time, or twelve hours, at an average speed of two thousand words, may be thus set forth: $6 \times 12 \times 2,000 \times 365 = 52,560,000$ per annum."

Now, dividing this number of words per annum by twenty, the average number of words in a despatch, we have 2,628,000 messages, which at the rate of four cents each for delivery, the established rate paid the messengers in New York and Washington, and we have \$105,120 for the one item of delivering the messages after they have been transmitted.

Mr. Brown proposed to occupy every hour and minute of the twelve hours per day, and every day in the year, including the Sabbath, making no allowances for the interruptions of the lines by rain, fog, or sleet; by atmospheric

electricity, in the form of thunder-storms, nor terrestrial magnetism, or the aurora borealis; by breaks, crosses, ground connexion, or the thousand-and-one ills that our poor mortal telegraphs are heir to—in short, he proposes to run his 2.40 beast for an entire year, without a moment's respite for food, rest, or sleep, and always keep his speed up to the maximum standard.

As Mr Brown allows but nine thousand dollars each per annum for the working expenses of Washington and New York offices, let me point out how many men he will have to divide this among. As no provision is made for any cessation of labor for meals, it will, of course, be necessary to have a double force for each wire, which gives us twelve operators: 2,628,000 messages per annum, would give us 7,200 per day for every day in the year; and allowing each clerk to receive over the counter, read, check, and take pay on two hundred per day, would require thirty-six receiving clerks. The same number of recording clerks would be none too few, even of the most active kind. Half this number of numbering clerks might answer, if active and faithful. Three men to take charge of the batteries would be required. As none but printing instruments can work at anything like his speed, under the most flattering auspices, we shall need printing instruments, and these all require men, termed grinders, to produce the motive power. Of these we should need twelve. If we allow forty messages to be delivered by each messenger—and that is as many as they can average per day and deliver them with any degree of promptness—we shall need one hundred and eighty messengers. This gives us a total of two hundred and ninety-seven employés for each office to divide Mr. Brown's nine thousand dollars among, giving to each one the highly lucrative salary of \$30 30 per annum, or a fraction over eight cents per day. This, however, does not include the pay of the superintendent, manager, rent of office, fuel, light, nor any of the incidental expenses of the office.

But permit me to present this matter in another form, and from actual data. The American Telegraph Company is one of the oldest and most extensive telegraph companies in this country, and it may very naturally be supposed that it works its lines as cheaply as is consistent with a wise economy. It owns a score of lines over Mr. Brown's favorite route between New York and Washington. During the past year it had in operation east of Washington 20,000 miles of wire, and the working expenses upon this section, exclusive of the construction of new lines, exceeded \$1,300,000, or \$65 per mile per annum. Now, estimating the number of miles of wire in the United States at 150,000, and we have a total of \$9,750,000 as the ordinary working expenses of the lines, without counting the interest on the investment or cost of reconstruction. Taking Mr. Brown's tariff for sending messages—three cents apiece—we should have to send three hundred and twenty-five million (325,000,000) messages to raise this amount of money. But as our wires are totally inadequate to perform this immense amount of work, let us ascertain how many miles of line the government must build to accomplish it. As we have no data by which we can arrive at the exact or even approximate number of messages transmitted per annum, in the United States, we must look abroad for these data. In France the telegraph is owned by, and under the exclusive control of, the government. In 1864 she possessed a system comprising 71,034 miles of wire, and 1,301 stations, which transmitted 1,500,000 private and 175,000 official despatches. This gives a little less than 24 messages per annum for each mile of wire. Now, by dividing Mr. Brown's 325,000,000 despatches by 24, the number averaged on the government lines in France per mile, and the government would require thirteen million five hundred and forty-one thousand six hundred and sixty-six (13,541,666) miles of wire!

It seems unnecessary, however, to multiply proofs of Mr. Brown's errors in data and conclusions, and I will dismiss this brief review of his speech by adding in regard to his suggestion, "that the telegraphic charges on ordinary

commercial correspondence, may be made as inexpensive as the present postal rates ;" that the messengers receive more than the price of a letter stamp for delivering each despatch, and that the government tax upon the gross receipts of the telegraph companies averages more per message than Mr. Brown's estimate of the entire expense.

Very great misapprehension exists in regard to the profits derived from telegraphing. There is a general but erroneous impression that they are very large, and hence stock companies are periodically got up by speculative enthusiasts, who dispose of their stock to a credulous public by means of flattering and plausible statements of the great profits to ensue, while the result proves that not one company in a dozen ever earns a dividend. Some of the older companies have, by careful and judicious management, earned fair dividends ; but they have in few instances averaged over six per cent. for a series of years.

Telegraphing in the United States and the British-American provinces is, and has been for many years, done better and at a cheaper rate than in any other part of the world. During the first half of my twenty years' service as a telegraph operator, I was strongly of the opinion that it would have been good policy for the government to own and control the telegraph lines, and that the public would have been greatly benefited thereby. The companies were then small and poor ; the lines were badly constructed and worse supported ; and all progress was prevented by the constant and unremitting competition of rival lines. There was no question but that one company could do the telegraphic business over any given territory much cheaper and better than two or more. There is a striking analogy in this respect between the telegraph and the mail service, and no one will deny that one company can manage this service better than two or more.

For this reason, and because the government, with its unlimited resources, could expend all the money that was necessary to build any requisite number of reliable lines, I was in favor of its assuming the control of the telegraph. Now, however, the case is entirely different. We have a telegraph system unrivalled by any other nation upon the globe, either for its extent, economical administration, or accurate and prompt manner of performing its work. The telegraphic system of the United States is more than twice as extensive as that of France, two and a half times that of Great Britain, four times greater than that of Russia, and equals in extent the aggregated system of Austria, Prussia, and the lesser German States, Italy, Spain, Belgium, Switzerland, Greece, Turkey, Persia, India, Australia, and the British-American provinces. All this having been accomplished by the energy and activity of private enterprise, it does not seem to me necessary or judicious for government to interpose in the matter. None of the States have ever given exclusive charters to any telegraph company, and there is nothing, therefore, to prevent competition. Indeed, there has never been a time within the past eighteen years when there were not more or less rival lines along all our principal routes. At the present time there are four rival companies operating lines between Washington and Boston, and several additional companies are organized to extend their wires all over the country.

But if our government should elect to follow the example of France and other monarchical countries, and assume the control of the telegraph instead of leaving it open to private enterprise, as it has heretofore been conducted, then I should recommend that it purchase the existing lines at a fair valuation, and construct such additional ones as the exigency of the service may require.

Leaving telegraphy open to a fair competition, giving it an open field and a free fight, and the prices will conform to the general laws of trade ; the price of transmitting a telegraphic despatch bearing the same proportion to its cost as the price of a bushel of corn does to the cost of raising it and bringing it to market. But if the government should step in and build lines to work at a loss,

of course it would destroy the value of the property in the existing companies, and they would have just claims for redress.

In conclusion, my opinion is that any interference on the part of the government in the business of telegraphing will prove unwise, injudicious, and unnecessary.

I am, very respectfully, your obedient servant,

GEO. B. PRESCOTT.

Hon. W. DENNISON,

Postmaster General, Washington, D. C.

NEW YORK, May —, 1866.

DEAR SIR: Upon the reception of your letter of the 16th ultimo, receipt of which has been heretofore acknowledged, I immediately furnished a copy thereof to the executive officers of the Western Union, American, and United States Telegraph Companies, and requested them to furnish me with the statistical information and their views upon the several queries suggested by you. I have the honor herewith to transmit their reply.

Very respectfully, your obedient servant,

THEODORE ADAMS,

Agent Western Union, American, and U. S. Telegraph Cos.

Hon. WM. DENNISON,

Postmaster General, Washington, D. C.

Reply of the American, Western Union, and United States Telegraph Companies to the interrogatories of the Postmaster General in his letter of April 11, 1866, addressed to Theodore Adams, esq., as agent of these companies.

The project of building lines of telegraph along the postal roads of the United States, under the auspices of the United States government, having been brought to the notice of the Postmaster General by a resolution of the United States Senate, February 23, 1866, he has presented a series of inquiries, in a communication addressed to Theodore Adams, esq., to which this paper is intended as a reply.

These inquiries are accompanied by the remarks of the Hon. B. Gratz Brown, introductory to a series of propositions presented by him, in which certain advantages are recited as the possible result of the prosecution of such an enterprise. To these also is the attention of the companies directed.

The importance of these inquiries and statements render it necessary that great care be exercised in preparing replies that shall not only be truthful, but shall present the case so clearly and intelligently as to enable the Postmaster General to present it satisfactorily to the Senate. Too little time, however, has been afforded to do more than sketch the leading facts, compelling the omission of much detail which might illustrate and give emphasis to the general statement herein presented.

Before proceeding to answer the interrogatories of the Postmaster General, and as introductory to the whole topic, it will be proper to notice the first of the series of considerations urged by Mr. Brown in favor of establishing lines of telegraph under government control.

Mr. Brown says:

“They could be predicated on the post office principle, and have a uniform rate throughout the country, and a single price for all distances; the short

equalizing the long, and the surplus of highly profitable lines enabling an extension on poorer routes, until all parts of the country could be brought into the telegraphic circuit."

1. To predicate the establishment of telegraph lines on the principle of the Post Office, with uniform rates, and a single price for all distances, is a popular error, which an examination of their distinctive character and capabilities soon renders apparent. In two features of detail alone do they bear distinct resemblance. The letter left at the post office and delivered to its address, corresponds with the message left at a telegraph office and its delivery. In all other respects there is so fundamental a difference that an examination is essential to fix the value of all details.

A letter deposited in a post office is placed in a bag, and is carried to its destination with no less labor, and at no less expense, than if *ten* letters, instead of one, were so deposited. The time taken in transport is the same. A leather bag covers a thousand letters as easily as a solitary note. It was this fact which led to the reduction of postage. But it was accomplished without the loss of an hour to government, without the enlargement of a coach, or increase of consideration. It involved no new brain-labor, no new responsibilities, no new expense. Under such circumstances high postage was a folly, and to return to it would be almost a crime.

A communication by telegraph, on the contrary, has this marked peculiarity: it demands a calm, unoccupied brain, and a steady hand to manipulate its contents, letter by letter, in a language of monotonies. A slip of the finger from the manipulating key changes its meaning; a truant thought alters the manuscript; a shadow of forgetfulness mars its whole design. It demands a whole wire for its use, and a given time for its solitary passage. Thus to communicate a fact to two persons with equal promptitude over a single wire, even though both communications were left at the same instant, is simply impossible. Each must wait its turn. Hence the multiplication of wires, and the dangerous haste of transmission, themselves multiplying causes of interruption and the increase of error.

Added to all this is the necessity for repeating this process when destined to any point not directly reached by the originating office.

Over and over again have most of the messages left in the hands of telegraph companies to be translated or re-written before they reach their destination; very different from the sealed letter which needs but the toss of a practiced hand to change its route and put it under the cover of a new bag.

With every divergence from a single main route; every extension beyond a certain limit on every main route; every increase of that class of business created by the telegraph requiring instant despatch; every added wire; every auxiliary office opened to meet commercial wants, expenses, and care and responsibility multiply in a ratio unknown to other enterprises.

With the facilities afforded by one hundred thousand miles of wire, all reasonably occupied with the present current business, or even during the greatest pressure produced by the necessities of the war; with all the help of an enlarged tariff, since the adoption of which the number of messages has increased rather than diminished, the average profit has been small. Had the companies laid aside, as might have been wise for them to have done, a sum of money equivalent to the reasonable percentage of decay, based on the presumed necessity of building anew every ten years, no profits could have been shown at all. And, as it is, though doing a large business, the Western Union Telegraph Company, with its forty-four thousand miles of wire, free from opposition on a large portion of its territory, have been unable to declare any dividend of profits since August of the past year.

The United States Telegraph Company, with 16,000 miles of wire, worked to their full capacity during the last year, have been utterly unable to meet cur-

rent expenses, have lost largely every month, and was, after the most vigorous efforts to work their way to success, glad to consolidate with the Western Union Telegraph Company for mutual safety from expenses and an opposition which was threatening to consume both.

If ever anything was clearly demonstrated, it is the fact that two vigorous organizations, covering the country over like routes and competing at the same points as completely as the two companies last named, legitimately and honorably contesting for business, with no underbidding or change of rates, cannot be maintained with profit to either. The act of consolidation which united them, and which has been availed of to fasten on the consolidated company the opprobrium of "monopoly," has been the result, not of power, but of the pressure of mutual necessity. Even now, opposition removed, the wires busy, the tariff undiminished, it will require the strictest economy to preserve to the property such a power of return to holders of its stock as is necessary to give it a fair value as an investment.

The long list of companies which have failed, though backed by capital, and built through the most populous districts, are all proofs of the same general statement. Could their history be written, it would only add positive evidence to what seems already proved.

If, therefore, with a present tariff so much larger than that proposed by Senator Brown to be adopted, the companies are thus embarrassed, how would it be with one diminished? More business might be offered. Possibly, with a reduction of fifty per cent. from present rates, the number of despatches might be doubled, thus merely giving us our present revenues. But how shall these additional messages be sent? If with the transmission of eight millions of despatches the wires are now kept reasonably busy, how shall we send eight millions more?

If all the wild computations which have been made, based on the use of the day's whole circle of twenty-four hours, and the ability to send words at computed maximums per minute, were to guide the solution of such a problem, the process of arithmetic would show how easy would be the answer. These are the computations which fascinate the builders of new lines, or are used for the fascination of capital with which to build them. They make every minute by day and night, through all seasons, in every holiday, with no days of rest or fast, or thanksgiving, to stop the process, bear its golden dollar. But no such use of time is given to us. The commercial day, in its connexion with the telegraph, is, practically, one of five or six hours. In half that space of time is the maximum of its work pressed upon us. So that, to meet an enlargement of it, equivalent to the proposed reduction of tariff, there is but one solution: new capital must be invested in the provision of new additional means of transmission, or the company's revenues be exhausted for that purpose, without a dollar's benefit, or any compensation beyond increased responsibilities, duplicated labor, and the enlargement of current expenses for all the paraphernalia of telegraph service.

To make even the minimum of existing tariffs the basis of a general tariff, would, to render it successful, demand four times the present amount of business to be done, and the erection of, at least, 200,000 miles of additional wire. A more stable and expensive mode of structure would have to be adopted. And, even after all that was done, it might be found that the limit to which society was willing to intrust its secrets and business to the gaze of an army of officials had been more than reached, and that its chief effect had been to unnecessarily cheapen commercial communication between distant places, without adding to the facilities of social intercourse to which the minimum of the existing tariff so largely applies.

Under such a state of facts, much success in building over poor routes from the revenues of "highly profitable ones," as suggested by Mr. Brown, cannot be predicated. It has already been done to a vast extent by the companies and

the private enterprise of the populations interested, and unless government proposes to give to the people what they are willing and able to provide for themselves, and which can only be vigorously cared for when so provided, it will leave all such work to be accomplished by that spirit of self-support which gives sinew to the national character, and vigor and manhood to the citizen.

Having thus taken advantage of the opening proposition of Senator Brown as an introduction to the more specific subjects embraced in the interrogatories of the Postmaster General, the following answers are given thereto, with such reference to the other propositions made by Mr. Brown as the nature of the interrogatories seem to warrant.

INTERROGATORIES BY THE POSTMASTER GENERAL.

1. Cost of construction, including engineering, patents and franchises, per mile : one wire—six wires.

The cost of building lines varies according to locality, timber, method, nature of the ground, and the wires to be borne.

A line from New York to Washington should be of the best class, and would be represented by the following figures :

43 poles delivered at stations.....	\$161 25
129 arms, complete.....	129 00
43 holes, five feet deep, tools, &c.....	30 00
Labor—handling, preparing, erecting, &c.....	25 00
Six wires, at 12 cents per pound.....	240 00
Labor—wiring, transportation, &c.....	30 00
Distributing poles.....	25 00
Superintendence, &c.....	25 00
	665 25
240 miles at \$665 25, Washington to New York.....	\$159,660
Lines through New York, Philadelphia, Baltimore and Wash- ington.....	16,000
22 cables at rivers south of the Hudson.....	20,000
Cable at Hudson river, house, boats, &c.....	8,000
	203,660

The cost of franchises and patents cannot be given.

Such a line built by government, carefully, and with reference to permanence, with six wires, would cost \$250,000.

If, however, it be seriously contemplated by the government to construct lines along the great commercial routes, and if it be the design in so doing to remove from the system, by every attainable appliance or improvement, all its ascertained defects, a structure of larger poles, and wires of superior conducting qualities, will be built. Such a line should be constructed of the most solid and durable wood, such as the black locust, so that masses of sleet or moist snow, so destructive to present lines, would leave it uninjured. Heavier wires also, which, by their increased conducting capacity, would give greater facility and certainty to transmission, should be used.

These improvements, with greater care taken in the execution of the work than in that of ordinary structures, will, of course, increase its cost in proportion to the care bestowed. And should the government determine to provide facilities equal to those now proffered by private companies, it would be necessary to erect at least five lines of poles bearing six wires each, that being the number (thirty in all) now in use between New York and Washington by all the companies.

A common wire line, intended to bear one, and not more than two wires, can be built for one hundred and fifty to one hundred and eighty dollars per mile, the wire being number nine, galvanized, the poles of limited size, and costing not over one dollar and twenty-five cents each.

If for a line on which, say, five additional wires may be placed, the cost will be \$320 per mile, exclusive of fixtures for additional wires.

This, of course, cannot be taken as the basis of the cost of a line on untimbered territory, as on the western plains where poles cannot be procured, and which have to be transported long distances at great cost.

No franchises based on distance have ever been purchased. Right of way has usually been secured by doing free all road (railroad or pike) business—in some cases furnishing railroad companies with a wire for their exclusive use free of charge, and a portion, usually one-half, of the receipts for telegrams taken at railroad stations by railroad employes.

The right to use patents has been paid for by issues of stock, varying from 25 to 50 per cent. of the capital of several of the various independent companies at the period of their organization, since then consolidated into those now existing.

2. Cost of apparatus—average per mile.

The average cost of machinery, batteries, &c., for a first-class line of six wires, with switches and all the usual conveniences, taking a six-wire line from New York to Washington, and estimating an office for every five miles as an average, would be \$70 per mile.

For a single wire over the same route the cost will exceed \$30 per mile.

3. Cost of maintaining—average per mile.

The cost of maintenance, by which is meant the ordinary repair of a six-wire line, as described, with a patrol force such as is now employed between New York and Washington, would be 10 per cent. per annum on the original cost of construction, or about \$20,000 per annum.

The actual cost of the repair and patrol of the American Company over the same route for 1865 was \$56,100 51.

The cost of reconstruction would be 10 per cent. per annum on the original cost.

These percentages will be greater or less according to the manner of construction, the route, and the climate.

Along railroads, in mild latitudes, repairs would exhibit their minimum cost; along pike roads, in northern latitudes, their maximum.

The maintenance of cables at the North river for six wires would approximate fifty per cent. per annum of their cost for current repair and attendance, and fifty per cent. more for their renewal.

Both of these are liable to increase according to circumstances.

On single-wire lines, costing \$180 per mile, the cost of repairs, with one repairer each fifty miles, would be 13 per cent. per annum, and 10 per cent. for renewal.

It is true that the durability of wood of a kind quite attainable exceeds ten years; yet no one experienced in telegraph pursuits or management, on a review of every casualty to which lines, with their fixtures and insulators, are liable can safely increase the average of years given.

Cables cannot be estimated as having a durability beyond two years, and are liable to be destroyed at any time. At important crossings, such as the Hudson river, a considerable number of men, with boats and buildings, have to be provided, so as to be ready for instant service, causing a current annual expense equal to the current cost of the cables.

The American Telegraph Company have in use 71 cables between New York and Washington. The 14 now in use at the Hudson river by that company cannot be now provided at a less cost than about \$40,000.

4. Extent of system to answer the object of the government to successfully meet all competition, and to reduce rates to the minimum suggested by Senator Brown. Also, say reduce 25 or 50 per cent. on present tariff of Western Union and American lines. Have this mapped.

To meet all competition implies the necessity of building wherever lines now exist. These lines are shown in an accompanying map.

The telegraph companies have increased their tariff, in order to enable them to sustain a system of lines reaching the extremes of commerce.

To render the adoption of a minimum tariff distinctly possible and successful, lines should be confined to paying routes and reaching populous points alone. Between two large cities increase of labor may be more easily accommodated to an increased business, rendering a diminution of tariff possible, if the existing tariff is above the average charges for other labor. But when, to accommodate the populations of small towns, a wire is erected which is used partly for the interchange of business between each other and partly to the larger city office, each point, where twelve offices are thus connected, having, of necessity, the use of the wire for only five minutes each per hour, immediately waste of labor commences, and an operator, with a first-class salary, can only give a small percentage of his time in actual labor, although his attendance must be constant.

Were the companies, therefore, to adopt a minimum tariff, they would confine their business to populous cities; or, on the presumption that decrease of tariffs one-half would double their business, they would be driven to the provision of double facilities and the consequent expenditure of large sums of money, with no increase of remuneration beyond that derived from present investments.

There can be no doubt that the plan proposed by Mr. Brown of running a line of telegraph over "one established route, controlled by the government, and thrown open to the public at minimum rates, would go far to insure reduction in telegraph extortion everywhere." It would do far more than that. Choosing the most favored route for business, and having no needy stockholders to provide for, no poor routes to sustain, with the purse of the public treasury from which to draw the means of building strong and costly lines, with no necessity to sell its stock in the market, government can, by a low tariff, just high enough to meet expenses, destroy the profits of any telegraph line erected by private means.

Telegraph companies never proposed to the public to be eleemosynary institutions. They were built to make money. They have expended vast sums with that end in view; and in so doing they have not dreamed that a government, established by the people for the purpose of protecting their common interests, could ever become their competitor.

As to the charge of extortion made by Mr. Brown in the extract above given, and before entering upon the illustration of the effect of a reduction of tariff as desired, a few words seem necessary. How far may private enterprise go in benefiting itself before it reaches that point where the charge of extortion can be properly made? Does the fact of enrichment prove that extortion has been practiced? Can government dictate the policy by which a private business is to be conducted on which it confers no exclusive rights, and which asks none?

The charge of extortion made against a private company by a senator of the United States, bears with it to the public mind special significance and gravity. The term "extortion," in its mildest signification, implies that advantage is taken of a position of power to draw revenues by force or compulsion. Mr. Brown

confirms this meaning by asserting that "no party, except government, can enter into competition with the American and Western Union Telegraph Companies," and that, on account of the absence of opposition, money has been extorted from the people.

Now what are the facts? Is the American Company without opposition? Does that company possess any grants from government, any privilege, any protection which other parties cannot acquire? The Bankers' and Brokers' line, the lines of the Insulated Lines Telegraph Company, and the Franklin Telegraph Company, all contest with the American Company for business. Other companies are preparing to enter the field. All of them have equal facilities. No protection is given to one which is withheld from any other.

Now, it is proof of the justness of the charges made by that company, that they are adopted by all its competitors, even when, upon the theory of Mr. Brown, they have the means of enlarging very greatly their business by reducing their tariff.

On what plea, therefore, can the charge of extortion by the American Company be based, when lines built for the very purpose of contesting with it for business, and destroying its position as a monopoly, acknowledge the justness of its tariff, and, by their very existence in active competition with it, prove that the charge of being a monopoly is without foundation?

For the last few years, also, the United States Telegraph Company, (formerly the Independent,) built on the same route with the American Company, have, with all the vigor which money and the best operating talent could afford, and with wires equal to the transaction of a large business, pushed the most thorough opposition.

With a low tariff, the minimum of any rates yet attempted by the companies, and the same as the American, with the most fervent appeals to the public for patronage, it found that there was a limit to the use of telegraph lines, and was only too glad to adopt, with other companies, the present rates.

Now, for all this there must be reason. The work of extortion, always unwise, ever defeats itself. Sagacious men never practice it, for unwise measures have their retributions. Where, then, shall we seek for a solution of the meaning of four companies seeking public support on a system of extortion? Happily, the answer is not difficult.

Take, for example, the former minimum tariff of 25 cents for a ten-word message. For all distances under a hundred miles that was the tariff. Salaries were then forty per cent., and, in some positions, sixty per cent. less than now. Stationery has doubled. Wire, once 7 cents per pound, has increased from 10 to 15. The express that carried a trunk for 25 cents, now charges 40. The newspapers have doubled their price. The magazine is no longer attainable for 25 cents. So of everything else. The telegraph rate has only followed the general necessity—nothing more, nothing less.

Now, the policy suggested by Mr. Brown of extending the use of the telegraph by reducing its rate, may be as reasonably applied, and with much greater ease, to many other enterprises. Harper's Monthly and Blackwood's Magazine might double their circulation by a reduced charge. But there is a limit to even the sale of cheap literature, and publishers will not risk the sale of a double edition on a diminished profit. Hotels might double their guests at old rates; but they are full at the new, and there are no men denied shelter because of the change. As sales or guests increase, expenses increase also.

So telegraph companies adopt tariffs in correspondence with the times, and there is a limit to the use of the telegraph which necessarily grades the charges on the business offered, and suggests to what extent capital shall be used in providing wires for its transaction. So when they increase their tariff 25 to 30 per cent. and double the number of their wires, they claim that they have only followed the necessities which have induced like changes in all other pursuits on

the one hand, and enlarged to the fullest extent of which they were capable the means of transmission on the other.

To the Western Union Telegraph Company, which is named as uniting with the American Company in a common "monopoly" and system of "extortion," the same general facts are applicable. To oppose this monopoly, the United States Telegraph Company was organized. The west was covered by its wire; it planted its poles along all the public highways and on many of the leading railroads. Finding its tariff too low for sustenance, it also followed the general necessity for increase; and at last, with its wires all occupied, under the most vigorous administration, its expenses reduced within the closest limits, found that it was conducting its business at an average net loss of nearly \$10,000 per month.

Why did this young organization not profit by the extortion of the other? Why did it not reduce its tariff? Why did it not open wider its doors to the public and "organize" success on the assurance of an enlarged business? Simply because it saw that there was a limit which the instinct of self-preservation forbade its passing, and because it saw that to grade its tariff lower was to secure a speedier decease.

The Western Union Company meanwhile was made to feel also that the opposition was so reducing their income that their accustomed dividends could not be maintained. And thus it happened again, that, to save the common property by the economy of a united management, seen to be necessary for both, the two companies were consolidated.

And now, standing alone, with every motive to court public favor, it is unable to see any reason for a change in its policy.

CAUSES OF CONSOLIDATION.

It seems important that advantage be taken of the opportunity thus furnished to make such a representation of the circumstances which have resulted in the present extensive jurisdiction of the companies here represented as shall enable all who may be called to judge in these matters to form their opinions correctly.

The facts will be stated as briefly as possible.

When the first telegraph companies were formed, they were organized with reference to communication between points not remote, usually confined, at most, to the limits of a single State. Many of them were merely local, to unite one town or city with another. Thus it gradually occurred that the whole country became covered with independent lines of limited length, most of them poorly built, and few remunerative.

Under such circumstances the public soon found that the brilliant thought of instant communication between distant points was, somehow, not realized by the facts. A Boston house doing business with Chicago was obliged to be content with responses received on the second or third day. On Boston despatches for Chicago four tariffs had to be paid, and a message had to be copied off and handed over to other companies for transmission at New York, Buffalo, and Detroit before it reached its destination.

All this process required time, and yet the loss of time was the least of the evils connected with such a state of things. The message, as it left the writer's hands in Boston, was not unfrequently a very different document when it reached the western parties. Four manipulations by different operators, four copies by four different clerks, four tariffs to four different companies, and a trifling error by each, with no responsibility between either, and no concert of management, the system was fast becoming a disappointment and a nuisance.

And as business men, smarting under the losses and annoyances of errors by which sales were made instead of stopped, purchases made on false quotations, things ordered which they never wanted, began to appeal to the courts for re-

dress, and the magnitude of the responsibilities they were daily assuming became more and more apparent, it was the instinct of danger to seek for some mode by which protection might be secured.

At first, by reason of sympathy with an invention which seemed struggling with incipient difficulties and inexperience, and a growing feeling of acknowledged incompetency to realize all that was at first anticipated from its connexion with commercial wants, both the injured parties and the courts were lenient and placable. The printing of an imposing heading on the company's blanks, denying all responsibility and demanding the repetition of messages as the only safety against error, had also its protecting qualities.

Yet with the accumulating experience of experts, and the invention of machinery by which direct writing to distant points became possible and easy, there came also a distinct revelation of the necessity of uniting the fragmentary jurisdiction into one living, vigorous organization, by which not only repetition and error might be avoided, but the messages be followed to their destination under a single direction and an undivided responsibility.

It was at this period, when segregated lines were feeling their weakness, decay already creeping into all their parts, and their revenues unequal to even a current vigorous support, that a few clear-sighted men in the west conceived the project of buying up the groups of feeble organizations, and making them direct leaders between the large western cities. The stock was comparatively valueless and easily and cheaply bought. The needs of commercial intercourse were pressing. The project had in it the true elements of success, and it was accomplished.

For seven years thereafter the purchasers went on improving the lines thus acquired and rendering their connexions more certain. During all these years no dividends were paid. Time and money and all the earnings of the line were devoted to that series of combinations which, from a mass of weak and perishing organizations, culminated in the Western Union Telegraph Company.

Wealth, well-earned, followed the pioneers in this perfectly legitimate enterprise, proving, by an argument men can appreciate, how correct was the idea upon which their plans were based.

The wealth of a few men, however, is but an incident of the argument. It was the combination of lines which saved the system from disgrace, and made it available to commerce and to public wants. No oppressive tariff followed any of these movements; no changes in former charges were made at all, and none would probably ever have been made had not war come to change values and render it necessary.

As events developed, the Western Union Telegraph Company became interested in extending its lines to the Pacific, a project long deemed impracticable. That also was accomplished. But no sooner was it brought to successful completion, and the Atlantic and the Pacific heard the dash of each other's waters, before the two companies which severally owned the lines between New York and Buffalo, and between Philadelphia and Pittsburg, found that they stood between this great western enterprise and the national metropolis on the seaboard.

They saw at once that the wire which reached Buffalo or Pittsburg from San Francisco had its proper terminus only in New York. And although pledges were made, strong as the capacities of language could put into legal form, that their territory would be respected, yet, with the clear necessity before them of reaching western cities by a single flash from those on the seaboard and from the national capital, the arrangements were soon made by which all these interests were placed under a common direction.

And now, thus homogeneous and vigorous, it becomes possible, as under no other circumstances could it have been, for this company to enter into terms with the governments of Europe and Asia to unite the two continents by lines covering three-fourths of the area of the globe.

The American Company has followed a similar course, stimulated thereto by similar necessities.

REDUCTION OF THE TARIFF.

To "map out" the effect of a reduction of 25 and 50 per cent. from the present tariff, after what has been said, can only show how quickly such a process would lead to ruin. Here is one exhibit:

United States Telegraph Company under the tariff of 1865, (same as now.)

Receipts, 1865.....	\$666,422 26
Expenses.....	768,422 26
Loss.....	<u>100,000 00</u>

Tariff reduced 25 per cent.:

Receipts.....	\$501,316 70
Possible increase of 25 per cent.....	125,329 17
	<u>\$626,645 87</u>
Expenses, not increased.....	768,422 26
Loss.....	<u>141,776 39</u>

Tariff reduced 50 per cent.:

Receipts.....	\$334,211 13
Possible increase of 50 per cent.....	167,105 56
	<u>\$501,316 69</u>
Expenses.....	768,422 26
Help needed to meet the increased business.....	75,000 00
	<u>843,422 26</u>
Loss.....	<u>342,105 57</u>

To do this increased business would require additional wires. Had the United States Telegraph Company provided these, even to the extent of a single wire from New York to St. Louis, *via* Pittsburg and Cincinnati, and one to Chicago, *via* Buffalo and Cleveland, the year would have shown the following result:

Expended for wires.....	\$200,000 00
Loss on business.....	342,105 57
Total outlay.....	<u>542,105 57</u>

American Telegraph Company, under existing tariff.

Receipts, 1865.....	\$1,437,627 21
Expenses, averaged.....	1,186,654 08
Profit.....	<u>250,973 13</u>

Tariff reduced 25 per cent.:

Receipts.....	\$1,053,220 41
Increase, 25 per cent.....	263,305 10
	<u>1,316,525 51</u>
Expenses, not increased.....	1,186,654 08
Profit.....	<u>129,871 43</u>

Tariff reduced 50 per cent.:		
Receipts	\$718,813 60	
Increase, 50 per cent	359,406 80	
		\$1,078,220 40
Expenses	1,186,654 08	
Extra help, at least	100,000 00	
		1,286,654 08
Loss		208,433 68
Outlay for wires, at least		\$150,000 00

These statements allow the most favorable possibilities of the effect of a reduction operating upon the whole line. How far they encourage companies to make the attempt it is unnecessary to state.

The claim made by Mr. Brown that an enlarged business would "insure method, facilities, and courtesies" not now given, might be true were the enlargement a source of profit, a result which usually tends to blandness of manner and general suavity. But with a lessening exchequer and diminishing profits, it is feared that methods would shape themselves to the growing obscuration, and that manners would become more positive than polite.

5. How far can postmasters be profitably employed as operators?

Postmasters, except in small towns, would not be available agents of a telegraph system as operators, even with a knowledge of the business, and possessing all the requisites of character and fitness. They are required to be ready for instant service, especially when, as in all small offices, they are reached by a wire which supplies a number of other stations, and with which the duties and courtesies of a post office must interfere.

In general few are fit for telegraph duty except comparatively young persons, and such as can devote their time and mind to it as a pursuit. It might benefit the postal service to make expert operators postmasters, but not to make postmasters, as such, operators.

The rapid growth of the business of telegraphing, and the multiplication of offices, have prevented such a scrutiny of the character of employés as the delicate and confidential character of the business demands. Individuals and families have occasion daily to expose at telegraph offices facts which, could they avoid it, no eye would ever see, except the party addressed. Men of business, when in peril, or when in possession of the knowledge which gives success in traffic, reveal all, unwillingly, at the telegraph office. All these, with infinite variety and scope, call for the utmost delicacy, and are safe only in the hands of men of the truest character and the nicest honor. Not only so, but they must be men so separated from all partisanship, and so free from all angularity, that to render postmasters available for operators, the whole policy under which they are usually appointed would require to be changed. In the hands of government officials of course no political correspondence would be attempted, except by those in sympathy with the existing administration. All that feature of present business would seek the privacy of the mails.

One of the most effective means to secure freedom from error is the retention of qualified operators, who become so accustomed to the address of parties, the general subject of their communications, and an indescribable aptitude for the special work of a single locality or the towns on a single wire, as to enable them to transact all their duties from month to month without mistake. This retention of employés could scarcely enter into a system controlled by government; and yet it is a practice the value of which is becoming more and more acknowledged.

6. How far can post offices throughout the country be made available stations for telegraphing?

The general location of post offices renders them available for telegraph service; but experience has shown that the business must be conducted separately to be generally acceptable. Many very small offices might be so used. The government would not enjoy facilities superior to those now possessed by the telegraph companies if its post offices were so used, as telegraph companies are permitted to establish offices in all the railroad stations in the country without charge for rent.

7. How many offices (stations) would have to be used in New York, Philadelphia, Baltimore, Boston, Chicago, Cincinnati, St. Louis, &c.; in a word, the proportionate number of offices that would be required in the large cities?

The number of offices required in large cities is regulated by their commercial centres. In New York there are bank, produce, dry goods, forwarding, cattle, and travelling centres, all of which demand the facilities given to auxiliary offices. To the first of these have to be added the stock exchanges, where, within so brief a time, so much business is done with distant places. The last of these is not a centre, but a series of centres—hotels where, throughout the year, every interest known to the nation is represented.

There are also social centres, needed not only for receiving, but for the rapid delivery of business coming to the central office from abroad.

There are also warehousing, express, and steamship interests, each of which, as business increases, demands the telegraph to come within their easy reach.

It would be safe to say that, in each of the cities named there should be auxiliary offices opened at distances averaging half a mile apart, besides special stations, made necessary by the nature of special interests.

To give an idea of the extent of present facilities in the principal cities, the following statement, showing the number of offices now open, is submitted:

New York.....	74 offices.
Philadelphia.....	35 “
Baltimore.....	19 “
Washington.....	16 “
Boston.....	24 “
Chicago.....	22 “
Cincinnati.....	21 “

In opening this multitude of offices, and in following up with vigor all the demands of this auxiliary character made upon them, the telegraph companies have been led into a large absorption of their earnings, upon the conviction that what was clearly needed for public convenience it was wisdom at once to provide. Whatever other charges may be brought against the companies, this fact must ever remain unquestioned, that the wires have been led wherever they would add to the public convenience. And it detracts not a whit from this claim to enterprise and prompt submission to the public demands, that in serving commercial and social interests liberally and trustfully, these companies have felt that they were laying the foundations of their own success.

8. How many operators and employés of all sorts would be needed for the main offices in those cities?

Presuming that the force now employed by the different companies represents the number necessary to do the present business, the following table is given:

Whole number of persons employed by all telegraph companies in the following cities :

Cities.	Managers.	Operators.	Clerks.	Messengers.	Total.
New York	5	202	109	168	375
Philadelphia	4	78	43	86	211
Baltimore	4	42	20	48	114
Washington	4	43	30	38	115
Boston	4	58	34	60	156
Chicago	2	36	12	36	86
Cincinnati	3	43	10	37	93

Besides battery men and repairers, and the force employed in the treasurer, auditor, and engineer's offices.

The force of a single main office, having six wires, in a city like New York, would be, for day service, 1 manager, 3 receiving clerks, 8 operators, or 12 if service is continuous; 2 copying clerks, 1 office boy, 1 delivery manager, 3 book-keepers, 16 messengers, 1 battery-man, 1 repairer.

This supposes a terminal office in a large city. The messenger force depends on the range of delivery. The rule being that no boy shall be allowed to take for delivery more than one message, unless for distant delivery, or for the same locality, and shall deliver first that which came first, the number of messengers must depend on the average distance traversed.

When partial night service is required, the force is enlarged one-third.

When the office, ceasing to be terminal, radiates by added wires, or a continuation of the six, the operating force increases accordingly.

Interrogatory No. 9 is embraced in No. 3, and requires no additional answer.

10. Names and capitals of the telegraph companies.

Western Union Telegraph Company	\$22, 000, 000 00
United States	6, 000, 000 00
(These companies were consolidated April 1.)	
American	4, 000, 000 00
Russian Extension	10, 000, 000 00
Bankers and Brokers'	1, 200, 000 00
Insulated Lines	1, 000, 000 00
Franklin Telegraph	500, 000 00
Illinois and Mississippi	1, 500, 000 00
Northwestern	1, 500, 000 00
Missouri and Western	209, 500 00
California State	2, 500, 000 00
Delaware and Hudson	
Delaware, Lackawanna and Western	
Monongahela Valley	40, 000 00
Burlington and Missouri River	
Genesee Valley	6, 000 00
Philadelphia, Reading and Pottsville	20, 000 00
Worcester and Milford	4, 500 00
Worcester and Nashua	10, 000 00
Vermont and Boston	130, 400 00
Cape Cod	32, 000 00
Susquehanna River and North and West Branch	46, 275 00
Philadelphia and Wilkesbarre	30, 000 00
Troy and Canada Junction	47, 300 00
Sandy Hook Telegraph Company	25, 000 00
Maine Telegraph Company	112, 500 00

Capitals not known: Lawrenceburg, Aurora and Vevay; Cooperstown and Richfield Springs; Southern Express; Columbus and Appalachicola; Norfolk and Petersburg; Danville Railroad; Richmond, Charlotte and Stanton; besides a number of small companies in all the States.

11. Amount of gross receipts of each of them during the year 1865, and the average of gross receipts of the Western Union and American for the years 1860, 1861, 1862, 1863, 1864, 1865.

Our knowledge being confined to the operations of the three companies here answering, the reply to the above inquiry is necessarily confined to them.

United States Telegraph Company :

Gross receipts, 1865..... \$668,422 26

Western Union Telegraph Company, after consolidation with the New York, Albany and Buffalo, and Atlantic and Ohio Companies :

Gross receipts, 1865..... \$2,314,211 41

American Telegraph Company :

Gross receipts, 1865..... \$1,437,627 21

Average receipts during 1860-'61-'62-'63-'64-'65 :

United States, (only * organized August 1, 1864.)

Western Union.....: \$993,849 40

American..... 916,000 00

12. What increase of these receipts, (gross,) estimated solely by reason of the war ?

This information cannot, without immense labor, be given from the records of telegraph companies.

The United States Company received little or none of the government business, but shared, during a few months, in the activity created by the war.

The American Telegraph Company lost the entire receipts of their southern lines during the war, but the increase of northern business about balanced the southern loss. To do the increased northern business required great outlay for additional wires, &c.

The Western Union Company received an increase of about 25 per cent., but had also to provide facilities therefor at large cost.

13. Net receipts of each of these lines during all of these years. In other words, the profits, whether divided among stockholders, expended in construction of additional lines, or credited to surplus.

Net receipts, &c. :

United States, (loss 1865)..... \$103,341 18

American—net receipts Jan. 1, 1860, to Dec. 31, 1865..... 1,505,838 78

Western Union—net receipts Jan. 1, 1860, to Dec. 31, 1865.. 2,659,499 04

14. In case the government should want to buy out the Western Union, American, including its southern lines, and the United States, what would, approximately, be the price ?

Acting as the trustees of our stockholders, we cannot affix a selling price to their property, which is in our charge merely to be managed for their benefit.

* By consolidation of the United States, Independent, and Inland Telegraph Companies, whose receipts are not known.

15. What amount has been paid by the several companies as damages for mistakes in telegraphing or non-delivery? To what extent are these companies liable? Refer to decisions of courts on the subject.

The amounts paid for damages in the conduct of telegraph business will approximate \$100,000, and claims for a like amount remain unsettled, or are being contested.

The decisions of the courts in the several States where suits have been brought have been so various and conflicting, and the court of last appeal having not, as yet, been called to adjudicate any of the claims for damages made against telegraph companies, the measure of liability cannot be stated. A copy of some of these State decisions is provided herewith.

16. In case the government should not buy out the leading companies, what would be their policy in competition with the government lines?

What the policy of the companies would be, were governmental lines now in operation, cannot well be stated. A war against private capital and enterprise, sustained on the part of the government by taxing the commonwealth, would have such elements in it as would make the weakest policy a power. It might be to continue unchanged all its present arrangements, leaving the government to develop its own; or it might be to adopt whatever reduced tariff the government might use in opposition, accepting the challenge thus thrown to them.

It is quite likely that, as trustees of a magnificent enterprise, destined soon to encircle the globe, the officers of these companies would call to use all of the vigor and experience with which twenty years of practice have possessed them to protect unharmed the property of so many who look to it for support, or who pride themselves in having connexion with what may prove the bond of the world's union, and its most powerful means for pacification and progress.

Their policy would undoubtedly be prompted by the instinct of self-preservation.

17. How far will it be practicable to regulate the tariffs of telegraphing messages according to the time to be consumed—that is, on the principle that “time is money?”

It would be difficult to establish any system by which discrimination could be made in favor of one class of messages over another simply on the basis of an increased tariff. State laws generally demand that, in the transaction of telegraph business, “the first to come shall be the first to be served.” This rule places all on the same footing, and inspires public confidence. It should not be departed from without some great necessity, such as the public judgment would recognize. In the preference given to messages affecting the escape of fugitives from justice, and to those announcing death or great peril, there is general acquiescence. The instant, however, it became known that money could secure despatch beyond that generally afforded, conveying the idea that preference was procurable by paying for it, the whole system as now established in the public confidence on the simplest and fairest rule would be perilled.

To establish a system which, separated from any proposition of preference, would, nevertheless, pledge despatch within a certain time, requires conditions rendering it not only possible, but uniform. The directions given by all telegraph executives are, to give promise, as to time, to none. For this, there are two prominent reasons.

As the most effective means of increasing business is in expediting it, so the very enlargement of the number of messages renders immediate despatch to all

impossible, and can only be given to the one first received. When it so happens that messages are left in the ratio of the ability of the wires to transmit, (a very unusual thing,) then quick delivery is obtained. But when it is considered that a commercial day, for most of that class of business which depends on telegraphic communication, is limited to about five hours, and to a large class of commercial and speculative business to half that time, it follows, as a matter of course, that even in seasons of usual activity, and especially under the stimulus of any excitement by which markets are disturbed, a flood of business is thrown upon the lines, rendering any promise of despatch in a given time to *any* of them simply impossible. The only remedy for this, and which is the most formidable of the difficulties the companies have to meet, is in such a multiplication of the wires to great commercial centres as shall secure as nearly as possible instant transmission, without violating the fundamental rule of "first come, first served." This we have aimed to provide.

The other reason which debars all promises as to time of delivery is in the character of the lines themselves. The wire working clear and steady one moment may be still and dead the next. As this paper is being written, of the score of wires which connect New York with the far west, not one is working, and the day will be far gone before half of them are restored from the desolation of the last night's sleet and storm. To-morrow, with not a breath of wind to disturb the weakest thread, a locomotive off the track may do in an instant what the storm did last night. To fire at the wire and insulators in certain places is a favorite amusement among crack riflemen. This also, and a thousand other things, in the offices and on the line, by rust, by lightning, by trees, by stupidity and by deviltry, by wind and sleet and flood, render telegraph communication, especially on long lines, a matter of constant uncertainty. There can be no safety in time contracts under such circumstances. Telegraph responsibilities are too weighty now to make it desirable to incur those over the conditions of which the companies can have no absolute control.

One discrimination is possible and fair. A tariff lower than the commercial day tariff may be adopted for all messages which can be transmitted during the night, or after 5 p. m., deliverable at a reasonable hour in the morning. And it may soon be that science may provide such mechanism, and such lines be built, and such clearing of the public roads be made, and such public virtue encircle and protect the telegraphic lines of even the companies which have come by the necessities of self-preservation to be branded as monopolies, as shall secure a celerity of communication now unknown. The companies here answering have gone to the extreme of their ability in providing, without discriminating tariffs, all which the public necessities seemed to demand, and design to continue so to do. The great need of the companies, in view of the interests involved in the multitude of messages intrusted to them for transmission, is *more time* in which to perform their work, and guard themselves and the public alike from the errors incident to a large business crowded into the limits of so short a day as commerce now grants.

In connexion with this matter of time and the portion of it available to us, reference is made to a statement made by Mr. Brown, which requires notice as being one of those sources of error which has, no doubt, led to much of the indignation exhibited by him against the companies.

"The capacity of a line such as that from Washington city to New York, with six wires, and working only half the time, or twelve hours, at an average speed of two thousand words, may be thus set forth: $6 \times 12 \times 2000 \times 365 = 52,560,000$ words per annum.

"It becomes evident, therefore, that this number of words, fifty-two million five hundred and sixty thousand, divided into the minimum cost of operating the line, \$25,694 20, will give the charge per word at which the government could do the public telegraphing without loss. This division results in about

one-twentieth of a cent, or sixty words for three cents, the cost of a postage stamp. The average of business letters, however, will not exceed sixty words, so that from this simple calculation it will appear that the telegraphic charges on ordinary commercial correspondence may be made as inexpensive as the present postal rates. In other words, the post office on wire will be cheaper than the post office on rail."

Now the truth in reference to all this is, that, although it is *possible*, under favorable circumstances, to send 2,000 words per hour, yet it is utterly impossible to send messages requiring care at anything like such an average rate by the present process. On the wires which are kept busiest and work the most uniformly, the average of a skilful operator's work is about 40 messages per hour, and does not exceed 240 per day. This is on what are termed "through" wires, connecting two main points only.

On a wire which is used to accommodate more than two offices, the capacity of transmission has to be divided by the number of towns connected, with a considerable allowance for time lost in changing the use from one office to another. Thus, if a wire from New York to Washington is used to accommodate Philadelphia and Baltimore, their average employment of it will be less than 15 minutes per hour, with an average transmission of less than 10 messages per hour of 10 words each. If Newark, New Brunswick, Trenton, and Wilmington are included, the averages are reduced to a capacity of not over four messages per hour. And yet it is necessary for the operator to remain constantly near his instrument, although he may have but few messages to transmit, in order to be prepared to receive such as are sent to the office under his charge.

Now let the computations of Mr. Brown be examined. He claims a capacity for each wire of 2,000 words per hour. Our experience limits the number to 1,500 for an outside average, but this claim for the present is waived. In a day of twelve hours, therefore, the capacity of each wire is 24,000 words. From this number an allowance of ten free words for the address and signature of each message of sixty words will be granted, leaving a residue of 20,570 words, or 343 messages of sixty words each, which is claimed can be delivered at a cost of 3 cents each, or \$10 29 per day for the service of each wire.

Leaving this result for a moment, let the cost of sending these messages be examined. It has been claimed elsewhere that the brain of an operator is not equal to any such strain as that of 12 hours per day on such service. It would break, in six months, the healthiest and toughest organization of nerves usually found in men. It would require, therefore, two men at each end of the wire to do this labor, which, at the ordinary salaries, would be \$16 per day, or \$5 71 *loss per day on each wire*. If to this be added the cost of manager, receiver, clerk, rent, messenger service, stationery, &c., it will be found that, under the most minimum calculation, the *loss to the government*, with a full service of six wires, would be about *three hundred dollars per day*, or about *one hundred thousand dollars per annum*, without the allowance of a single dollar for current repairs or any reservation for ordinary decay, equal to forty thousand dollars more.

In striking contrast to such a statement is the fact that the telegraph companies upon their gross receipts, and the stockholders upon dividends averaging not over four per cent., have paid to government, during 1865, a tax of *over four hundred thousand dollars*.

Now there is a limit to telegraphic demand. There is also an absorption of the time on the wires which defies computation. Take, for example, New York. The American Company leads to its city offices from the south 28 wires; from the east 33; from the north 3. The Western Union Company brings from the west 18.

On Mr. Brown's theory, therefore, there might reach for delivery in New York, during twelve hours each day, not less than *ninety-eight thousand four hundred messages*, and *an equal number sent therefrom* to other places!

And yet, with this vast provision of wires, all of them in use and reasonably busy, there are received from the whole of New England, from all the large seaboard cities, from Washington, from all of eastern Canada, and from the whole of the southern States, an average of 2,000 messages per day, with an outflow of a corresponding number. And from the whole of the western States, including California, New York, and Pennsylvania, there come for daily delivery only about 1,400.

It is a curious commentary on Mr. Brown's statement that a "letter of sixty words can be sent for *three cents*," that the *actual average cost of delivery alone* at the New York office *exceeds eight cents per message, besides an average of over four cents of a tax thereon, levied by the United States government*, exclusive of all the taxes imposed by States, counties, and towns through which the lines are led! In a *single city* in Ohio, the tax imposed was *four per cent. on cash receipts*!

It ought to be remembered, also, that a multiplication of long messages would defeat the very purpose of the telegraph, which is that of *instant communication*. The chief use of the lines is commercial, and demands *instant despatch*. Messages are short, that time may be gained. It thus happens that, whereas one wire could easily do the work of four or more if the whole day were available, we have to multiply wires to do the business which is, of necessity, crowded into a few of the central hours of the day. This multiplication of wires for commercial purposes has provided ample facilities for social correspondence at other hours, as well as for press business.

The calculation of Mr. Brown, based upon the ability to send a certain number of words per hour, must submit to a serious reduction from the fact that, for every ten words paid for, at least ten more are sent free. Here, for example, is an ordinary message, which fairly represents a large portion of the social business given to us. All that portion of it which is italicized is sent without charge :

No. 71.

New York, April 26, 1866.

Hon. John B. Robinson,

Willard's Hotel, Washington.

Hope to meet you in the morning at ten o'clock.

Jonathan Bartlett, Astor House.

10 words, 75 c. paid. Rec. 2.20.

Thus, in a message where ten words are paid for, *over twenty* are sent free. True, part of the free matter has no value to the parties, but every part is essential to the company in conducting the business, and equally exhausts its time.

Messages such as this, when the weather is steady, pass along rapidly. If the weather, however, becomes heavy, or the atmosphere becomes surcharged with electricity, as is so often the case during the summer, or when storms have deranged the wires, the repetition of words and parts of messages are often demanded. And thus it often happens that a message which, ordinarily, could be sent in a minute, requires five. The use of our wires is also greatly diminished by the almost hourly casualties which happen to them at some portion of the route. The tail of a boy's kite connecting two wires will diminish our facilities for a whole day to the extent of all that one wire could do.

When the message is commercial, treating of large values, the purchase of gold or stocks, in which figures or sums occur, operators are naturally cautious, and transmit with increased care, asking the repetition of all doubtful words. All these things reduce the average of work done. From causes which are by no means unfrequent half of the wires are also thrown out of use, and thus in many ways proving how impossible it is to form a correct judgment of the actual by the possible.

After all these deductions are made, there remain four classes of business which consume a large portion of the time of the lines :

1. The large amount of messages sent each day, called "inquiry messages," relating to the hastening of answers, non-deliveries on account of address, and the numerous causes for correspondence between offices.

2. Despatches between the offices and the auditor's department in the correction of the various reports, the settlement of balances, &c.

3. The correspondence growing out of the general management of the line, its repair, reconstruction, &c.

4. The correspondence of railroad officers, to whom the right of free transmission is given in consideration for rights of way, transportation, &c., &c.

All these form a mass of matter which seriously reduce any estimates of time available for paid business, and which must enter into the calculation of the line's capacity. It is not too much to claim a deduction of at least one-fourth from our available use of the wires from this cause alone.

There is also in the tension of the brain of an operator a limit to all use of the wires when crowded to their capacity. The necessary absorption of the mind is exhausting. To crowd the work beyond a certain rate would require relays of men to relieve each other. Six hours' continuous service of this character is all that a young person is capable of performing and maintain health. A duplicated force, therefore, would have to enter as a part of any calculations of the labor needed for the supposed service.

In view of all these considerations, it must be obvious that nothing short of actual experience derived from daily contact with the service can give the correct data for the solution of all these questions, and that in the employment of the wires, in tariffs, in methods, in courtesies, in everything, intelligent self-interest is the wisest guide.

18. What is the extent of wire, computed as a single wire, of the "Western Union," "United States," and "American," and what is the average per mile of the cost on the basis of capital of each? In answer to this, state, as near as you can, the amounts invested in buildings, offices, &c.; also amounts paid for rents of each. As the government may want equal facilities for its telegraph purposes, I may need the information. Deducting the cost of these from the amount invested in such buildings, &c., or the gross amounts of which the rentals computed at six per cent. interest would make from the actual capital, will leave the residue of the capital as representing the cost of the poles, wires, apparatus, &c.

The length of wire owned by the Western Union and United States companies is 60,000 miles. The average cost, as based on the now united capital, is \$450 per mile. This embraces, besides the poles, wires, and apparatus, the following :

Invested in buildings	\$95,208 83
Stocks in other companies*	1,429,900 00
Office fittings	360,000 00

The lines of the American Company embrace 30,000 miles of wire. The average cost per mile, based on the capital, is \$133 33. This embraces, besides poles, wires, and apparatus, the following :

Invested in buildings, &c	\$53,466 80
Office fittings	400,000 00

"You will oblige me, also, by informing me what amount of government tax was paid by your two companies during the year 1865, and its percentage on their gross and net receipts,; also its percentage, as near as you can give it, on

*These stocks are in lines west of the Mississippi, and held for the security of connexion.

the messages transmitted, on the basis of ten words to the message; also the amounts paid for messenger service in delivering messages."

The amount of United States revenue tax paid by the United States Telegraph Company for 1865 was.....	\$33,115 52
Western Union Telegraph Company for 1865.....	114,678 25
American Telegraph Company for 1865	71,881 30

Percentage of tax.

United States Telegraph Company on gross receipts.....	5	per cent.
on messages paid.....	$4\frac{3}{4}$	cents.
Western Union Telegraph Company, on gross receipts.....	5	per cent.
on net receipts.....	$11\frac{1}{8}$	per cent.
on messages paid.....	6	cents.
American Telegraph Company, on gross receipts	5	per cent.
on net receipts	$23\frac{1}{10}$	per cent.
on messages paid.....	$3\frac{1}{3}$	cents.

The amount of tax named as paid is exclusive of all those collected by State, county, and town authorities, which in some States approximates that paid to the general government.

Messenger service.

Amount paid to boys for delivery, &c.—

United States Telegraph Company	\$43,624 00
Western Union Telegraph Company	63,074 99
American Telegraph Company.....	86,858 86

These amounts are exclusive of rents and clerk-hire of delivery departments.

The Postmaster General has requested reference to the remarks of Senator Brown respecting the use of the different kinds of machinery for telegraphic purposes, and the comparative rapidity of transmission attainable by them.

The first of these which came into use after that of the Morse system was the House printing instrument. It was a beautiful and ingenious machine, and was hailed as a valuable addition to telegraphic art. Its capacity to print, by the use of a single wire, in clear Roman type, seemed the very perfection of machinery, and could leave nothing more to be desired. In point of rapidity, it seemed, also, to have superior capacity.

The structure of such an instrument, however, was necessarily complex. It had delicate adjustments. Its magnets had to work with ten times the rapidity of the Morse relay. Two men were needed to work it; thus employing four men in the use of a single wire, two at each terminus. It was expensive, costing from three to *five hundred dollars*, and it was noisy.

Still, it was well adapted for use between two large cities, and House printing instruments, much improved since their first introduction, although reduced in their capacity for speed, have been in constant use between cities of the seaboard, and especially between New York and Washington. They are used chiefly for the transmission of press despatches, where, by the Morse mode, much laborious penmanship was necessary. In the improved condition in which they are now used; they are, in fact, what are known as the "combination instruments," and in which, by submitting to a reduction of speed, greater simplicity and reliability are secured. Indeed, greater average rapidity was attained thereby, inasmuch as the very delicacy which gave speed exposed the machine to derangement, and consequent interruption equivalent to delay.

For the purposes for which they are employed these instruments are highly esteemed, but their use for sending ordinary despatches has almost entirely ceased. For general use they are not at all adapted, both because of their ex-

pense, and the necessary delicacy of the parts, which would require such mechanical care as would embarrass the companies in procuring the requisite corresponding ability to work them.

The "Bain" machine was, at one time, introduced to rather extensive use, but now, with one exception, is entirely laid aside. It was manipulated by a key exactly as the Morse system, and was used chiefly because by it an opposition to existing lines was possible. And yet it had one element which was really valuable. It required no machinery exposed to outside electric influences. It needed no magnet, required no adjustment, and in a rivalry of poorly constructed or carelessly insulated lines often had a decided advantage. All that was needed was to reach an office with the current of the battery, however attenuated, and the record made by the passage of the current through an ordinary sewing needle, whose point rested on chemically-prepared paper, revolving on a metallic disk, was secured. This record was effected by the corrosion of the needle point at the point of contact caused by the joint action of the electric current, and the moist chemicals of the paper on the disk producing a blue mark in all respects similar to that secured by indentation from the stilus of the moving arm of the Morse register. The manipulations of both are alike, the "Bain" having the advantage of requiring no adjustment, and, of course, no repetitions. Since then, however, so great has the advantage been found of receiving by sound alone, and discarding all mechanical registries which required translation—so great the relief from winding machinery, and handling the long paper ribbon and the wet sheets of the Bain disk, that, to a large extent, the Morse register and the entire Bain system have been laid aside.

That which brought the Bain system prominently before the public mind at one time was its capacity for very rapid transmission, and to which it undoubtedly has a legitimate claim. Having no motion to produce in order to form a record, and the electric current being susceptible of use in meeting the requisitions of any speed required, two elements only remained necessary. These were a machine capable of rapidly manipulating the characters at one end, and a disk of equivalent rapidity of motion at the other. The former was secured by perforating a strip of paper with the forms of the letters to be transmitted, recording thus in perforated characters the message to be sent, and making it to pass rapidly beneath a stilus connected with the wire of the line. A drum, on which was wound the chemically-prepared paper, moving at a rate corresponding with the speed of the manipulating or transmitting machine, easily received the matter sent. In this capacity of the Bain machine there are elements of marked value, but the companies, owing to the absence of perforating machinery, the delay and cost of using such appliances, have not yet deemed it of advantage to call them into use. Improvements of this principle, with a perforating machine capable of rapid execution, are, however, occupying some attention, and may become useful. Practically, up to this time, no machine has increased the facilities for rapid communication beyond the nimble manipulation of the operator's finger, and the simple magnet which strikes out the hieroglyphic alphabet to the ear. Adapted, by its simplicity, effectiveness, and cheapness, to a system which has in active service at least ten thousand of them in all parts of the land, easy of repair and easily learned, the machinery now used has secured universal favor, and by it alone could the telegraph have been introduced so rapidly to the very extremes of civilization.

A new printing instrument, of French invention, for which great capacity is claimed, is now receiving the attention of the companies.

Possible rate of transmission by the Morse system, per hour, 1,500 words.

Bain machine, ordinary, 1,500 words.

House printing machine, 2,300 words.

Combination printing machine, 2,000 words.

Respecting the effect of the construction of a government line on facilities for

the press, Mr. Brown says: "The monopolies that now control the dissemination of news to the public press, by controlling the lines, would be broken up, and newspaper enterprise would be thrown open to the whole country instead of being concentrated in the hands of a few journals in the city of New York. Moreover, it would then be possible, which now it is not, to supply the country, at its great commercial centres, with a correct abstract of the proceedings of Congress at a trifling cost, and with infinite advantage to the nation."

This extract from Mr. Brown's address being aimed chiefly against a so-called newspaper "monopoly," should receive its answer, perhaps, from that source. Still, as the existing telegraph companies are represented as the chief means by which the newspaper "monopoly" is sustained, and as press business forms a very important part of telegraphic labor, it falls legitimately within the scope of these replies.

It has been thought by the companies that to the press, at least, the most liberal policy had been pursued. The charges to the papers in the leading seaboard cities average less than one-fourth of the ordinary commercial rates. As all the matter sent by the agent of the associated press is received as a single despatch at each city, and the cost is equally divided among all the papers taking it, the average cost does not amount to a twentieth part of the commercial tariff. In New York the tariff to each paper does not exceed *half a cent* per word. In this arrangement Mr. Brown can, perhaps, see the objects of the combination which he terms a monopoly. It is simply a plan by which the cost of transmitting the bulk of congressional news is reduced to the several parties receiving it.

On exactly the same terms do the several New York papers receive their special despatches, compiled by their own correspondents. These, sent direct to a single paper, of course cost more than where all bear their portion under the arrangements of the association, yet average less than one-quarter of ordinary rates.

On business to the western States the terms are still more easy, and are made so, largely, by this very combination.

Thus, in the State of New York, from New York to Buffalo, an association of the press exists, having in view the very same object as the one in New York—that of cheapening the cost and making it possible to receive a large quantity of telegraphic matter which, separately, would be impossible. Under this arrangement *ten hours each day* are given up solely for the use of the thirty-five presses forming the organization, furnishing an immense amount of matter at a cost not exceeding an average of *one cent per thirty words*. Without this press combination, by which these thirty-five members of it are supplied by the transmission of a single despatch dropped at each commercial centre at the same time, this telegraph matter could not be supplied. A computation of the expenses connected with this service shows that the profit to the telegraph company for this labor of ten hours per day, by eight men employed solely for that purpose, and ten others partially so, does not exceed the salary paid to any one of these employés. More liberal terms, more copious supply, more general contentment in both the terms and execution of this mutual arrangement, could not enter into the details of any agreement. No government line could unite and supply and satisfy so many parties.

And what is true of the State of New York is true, substantially, of States beyond, wherever an approach to like conditions is found; and with a fair reference to increased distance and labor, all of these advantages every paper willing to bear its share of the common expenses has the privilege of receiving.

And here it is necessary to say that no press, or combination of presses, or any individual in the press or out of it, except the officers of the companies subscribing hereto, have any control of the lines they represent.

If ever there was a thing which appealed more than another to the cupidity

or means of enrichment of the telegraph companies, it is the utter breaking up of all press arrangements now existing, thus giving the opportunity to wealthy establishments to monopolize the news. Were they to do this, while the companies would appear to open their lines to all alike, they would, practically, destroy three-fourths of all the papers now deriving value from their access to associated press reports by a tariff they could not singly bear.

Rich presses would then rule and be forever dominant, while the profits of the companies controlling the lines would be largely increased, with perhaps a reduced service both in time and labor.

The chief defects in the arrangements of the western press is one which neither the associated press nor the telegraph company can supply; yet it is that very feature which gives prominence and power to the metropolitan press.

The New York papers sustain at Washington and other places, both in the United States and in Europe, correspondents, editors in fact, who supply by mail and telegraph that class of information, gossip, and speculation suited to the tone of the paper they represent.

In one of the morning issues of a New York paper, out of ten thousand words of telegraphic matter full one-half will be that sent by this Washington editor, all bristling with point, and full of that epigrammatic sharpness and pen-and-ink sketch of individuals which, above all other matter, is lifelike and readable. All this feature is, necessarily, carefully kept from the general report, which is required to be one of simple fact, prepared, as it is, for presses representing every shade of politics and every peculiarity of taste.

To supply this distinguishing feature of the metropolitan press is beyond the means of a large majority of the western papers, unless in some associated capacity which the parties in interest have not yet shown any desire to form.

Yet in the provision of such a want, how futile would be any attempt of a government line to meet the wants of the case! Nothing can be imagined which would more squarely stultify every public instinct. Even of those who might be expected to benefit most largely from a system under government management and espionage, the acknowledgment of its utter impolicy and uselessness would, with few exceptions, be prompt and positive.

When this want shall seek associated supply, the companies will, no doubt, be able to meet it to an extent consistent with their facilities, and with the same liberality which has entered into all their press arrangements.

The statement that these companies "will let no one but the associated press send any special despatches or news to any paper except from Washington or Albany" is utterly incorrect. No arrangement has ever been made by telegraph companies and the press which did not reserve the right, constantly exercised, of giving the same terms to other private parties under similar conditions.

The leading elements of opposition to this project of the government are very correctly stated by Mr. Brown as being—

1. The belief that such undertakings are safest when left to be carried out by private enterprise.

2. That government could not inaugurate an opposition to the existing companies without greatly depreciating or destroying the value of investments therein.

The former of these is so germane to our institutions, and so in harmony with the public judgment, as to seem to require no new assertion of its truth. The position taken by Mr. Brown, in opposing its application to the case in hand, is based on a state of seeming facts which are elsewhere proven to be of a totally different character to that which has been assigned to them.

The latter is equally clear, yet enters so much deeper into the demoralization of these companies than is at first apparent, that it seems not only proper, but a duty to those who have carried on these great enterprises thus far, that the

probable injury to them, should government energetically carry out the proposed scheme, be fully shown.

Mr. Brown says: "I will only say that, whenever the government shall begin the construction of telegraph lines, it will be time enough to ascertain truthfully the losses that individuals may thereby sustain."

To estimate the value of property under such circumstances seems scarcely the position which a popular government can take in treating with its citizens. The stock of these companies is held by nearly five thousand persons in all parts of the country. The depressing effect of the commencement of the construction of government lines cannot fail to be marked and deep. It must cause a very general sacrifice of stock, because it would be apparent that none of the ordinary elements of such a contest between private companies would enter into this. Private rivalry has shown already how destructive it is to both contestants. The government, however, would enter the field under very different circumstances. Depending for its existence on no sufficient revenues, and built without appeal to the public for capital, it would not rival, but dominate. General apprehension, and the depreciation of all investments in these companies, must inevitably follow.

In other respects, however, the embarrassment would be felt still more.

It would be most damaging to the status of these companies in connexion with other enterprises. This interference by government would weaken them in all their contracts with railroad companies, and other parties, on which much of their early success was based. Chiefly would it weaken them in connexion with those gigantic undertakings which are now drawing toward them the animated interest and sympathy of the civilized world.

A private company, composed of citizens of both hemispheres, will soon have demonstrated the great problem of distant sub-oceanic communication. As they leave the shores of England, the guns of every fort will utter the parting benediction of government and people. These sounds will be to them inspirations of success. They will expect to meet *us*, also, as they offer the ligament of iron which is to bind the Old World to the New in the marriage of a mutual victory, strong in the confidence of *our* government and people. They will not expect to see on these shores, where manhood has received its broadest recognition, men compelled to welcome the offered hand of Europe beneath the shadow of a great "threat." Can it fail to humiliate us thus to receive our coming guests?

And on our western shores, up to the Arctic seas, through the territories of Great Britain and Russia, by paths where human footsteps have never trod; away beneath the icebergs where they build themselves in polar seas; along the bleak coasts of Siberia, towards the rivers that open up Russia and northern Asia to the Pacific, and up by the Kremlin to the Baltic, there is building another bond which will soon inaugurate the wedding of the world. Russia and England encourage our citizens in this great work. The telegraphs of Russia will soon be complete to the Pacific, ready for the connexion with our own, under contracts with the Western Union Telegraph Company, which have been the labor of years to secure and perfect.

But what shall become of all this, if, weakened in her home property, government compels the Western Union Company to enter feeble and emasculated the territories of other nations, or compels it to abandon all the advantages secured by infinite labor and patience in connexion with this vast work?

And yet this is what the government project must certainly accomplish, defeating in the hands of others what it cannot itself accomplish, making great values valueless, and forever rendering impossible any great undertaking which it can seize the instant that private enterprise has brought it to triumphant completeness and success.

Having thus furnished answers to the interrogatories of the Postmaster General as fully as the brief time allowed for doing so has permitted, the necessary haste in their preparation must apologize for any want of perspicuity they exhibit.

There cannot fail to have been impressed upon the mind of the public officer to whom these papers are addressed a sense of the magnitude of the interests to which they refer, and with what wonderful rapidity they have sprung into existence.

In a very few years the whole national territory has been netted with wires, and the extremes of civilization placed in communication.

At first, capital was invested in the building of lines by a few wealthy men who expected no success from the enterprise, and gave their means for an experiment of little promise and of doubtful value. A year or two, however, served to awake all to its importance, and the building of telegraph lines became at once the most promising of enterprises. Telegraph contractors were hailed as public benefactors—builders of the “highway of thought.” Now, with property represented by nearly forty millions of dollars; with nearly six thousand persons engaged in its labor; with numerous families dependent upon its success; with much learned and much to learn, the system is brought to the bar of the nation charged with practices requiring governmental interference and substitution to protect the public from “extortion” and the abuse of power.

Perhaps it is well that this public arraignment should come at this juncture, just as the leading elements are granulating, preparatory to the girdling of the world, to which reference has already been made in the progress of these answers. It may reveal much that has been the offspring of erroneous hope or of personal ambitions which more or less mar all great public enterprises. But it may also prove that the work of assimilation to all the phases of public necessity is steadily advancing, and that even the processes which now give so much offence, and seem like attempts to absorb the vitality of a great and wondrous system for purposes of mere power or extortion, are, in reality, necessities for carrying to successful fruition the greatest achievement of our times.

AMERICAN TELEGRAPH CO.,

By EDWARD S. SANFORD, *President*.

WESTERN UNION TELEGRAPH CO.,

By J. H. WADE, *President*.

UNITED STATES TELEGRAPH CO.,

By WILLIAM ORTON, *President*.

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,
RETURNING

The bill (S. 203) entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market," with his objections thereto.

JUNE 15, 1866.—Read and ordered to be printed.

To the Senate of the United States:

The bill entitled "An act to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market," is herewith returned to the Senate, in which it originated, with the objections which induce me to withhold my approval.

By the terms of this bill, the New York and Montana Iron Mining and Manufacturing Company are authorized, at any time within one year after the date of approval, to *pre-empt* two tracts of land in the Territory of Montana, not exceeding, in the aggregate, twenty sections, and not included in any Indian reservation, or in any government reservation for military or other purposes. Three of these sections may be selected from lands containing *iron ore and coal*, and the remainder from *timber* lands lying near thereto. These selections are to be made under regulations from the Secretary of the Interior, and be subject to his approval. The company, on the selection of the lands, may acquire immediate possession by permanently marking their boundaries, and publishing description thereof in any two newspapers of general circulation in the Territory of Montana. Patents are to be issued on the performance within two years of the following conditions:

1st. The lands to be surveyed at the expense of the company, and each tract to be "as nearly in a square form as may be practicable."

2d. The company to furnish evidence satisfactory to the Secretary of the Interior that they have erected, and have in operation in one or more places on said lands, iron works capable of manufacturing at least 1,500 tons of iron per annum.

3d. The company to have paid for said lands the minimum price of \$1 25 per acre.

It is also provided that the "patents shall convey no title to any mineral lands, except iron and coal, or to any lands held by right of possession, or by any other title, *except Indian title*, valid at the time of the selection of the lands." The company are to have the privileges of *ordinary pre-emptors*, and be subject to the same restrictions as such pre-emptors with reference to wood and timber on the lands, with the exception of so much as may be necessarily used in the erection of buildings and in the legitimate business of manufacturing iron.

The parties upon whom these privileges are conferred are designated in the bill as "The New York and Montana Iron Mining and Manufacturing Company." Their names and residence not being disclosed, it must be inferred that this company is a corporation, which, under color of corporate powers derived from some State or territorial legislative authority, proposes to carry on the business of mining and manufacturing iron, and, to accomplish these ends, seeks this grant of public land in Montana. Two questions thus arise, viz: whether the privileges the bill would confer should be granted to any person or persons; and, secondly, whether, if unobjectionable in other respects, they should be conferred upon a corporation.

The public domain is a national trust, set apart and held for the general welfare upon principles of equal justice, and not to be bestowed as a special privilege upon a favored class. The proper rules for the disposal of public land have from the earliest period been the subject of earnest inquiry, grave discussion, and deliberate judgment. The purpose of *direct* revenue was the first object, and this was attained by public sale to the highest bidder, and subsequently by the right of private purchase at a fixed minimum. It was soon discovered that the surest and most speedy means of promoting the wealth and prosperity of the country was by encouraging actual settlement and occupation, and hence a system of pre-emption rights, resulting most beneficially in all the western territories. By progressive steps it has advanced to the homestead principle, securing to every head of a family, widow, and single man twenty-one years of age, and to every soldier who has borne arms for his country, a landed estate sufficient, with industry, for the purpose of independent support.

Without tracing the system of pre-emption laws through the several stages, it is sufficient to observe that it rests upon certain just and plain principles, firmly established in all our legislation. The object of these laws is to encourage the expansion of population and the development of agricultural interests, and hence they have been invariably restricted to settlers. Actual residence and cultivation are made indispensable conditions; and, to guard the privilege from abuses of speculation or monopoly, the law is rigid as to the mode of establishing claims by adequate testimony, with penalties for perjury.

Mining, trading, or any pursuit other than culture of the soil, is interdicted, mineral lands being expressly excluded from pre-emption privileges, excepting those containing coal, which, in quantities not exceeding 160 acres, are restricted to individuals in actual possession and commerce, with an enhanced minimum

of twenty dollars per acre. For a quarter of a century the quantity of land subject to agricultural pre-emption has been limited so as not to exceed a quarter section, or 160 acres; and, still further to guard against monopoly, the privilege of pre-emption is not allowed to any person who owns 320 acres of land in any State or Territory of the United States, nor is any person entitled to more than one pre-emptive right, nor is it extended to lands to which the Indian usufruct has not been extinguished. To restrict the privilege within reasonable limits, credit to the ordinary pre-emptor on *offered* land is not extended beyond twelve months, within which time the minimum price must be paid. Where the settlement is upon *unoffered* territory, the time for payment is limited to the day of public offering designated by proclamation of the President; while, to prevent depreciation of the land by waste or destruction of what may constitute its value, penal enactments have been made for the punishment of persons depredating upon public timber.

Now, supposing the New York and Montana Iron Mining and Manufacturing Company to be entitled to all the pre-emption rights which it has been found just and expedient to bestow upon natural persons, it will be seen that the privileges conferred by the bill in question are in direct conflict with every principle heretofore observed in respect to the disposal of the public lands.

The bill confers pre-emption right to *mineral lands*, which, excepting coal lands, at an enhanced minimum, have heretofore, as a general principle, been carefully excluded from pre-emption. The object of the company is not to cultivate the soil or to promote agriculture, but is for the sole purpose of mining and manufacturing iron. The company is not limited, like ordinary pre-emptors, to one pre-emptive claim of a quarter section, but may pre-empt two bodies of land, amounting in the aggregate to twenty sections, containing 12,800 acres, or eighty ordinary individual pre-emption rights. The timber is not protected, but, on the contrary, is devoted to speedy destruction; for even before the consummation of title the company are allowed to consume whatever may be necessary in the erection of buildings and the business of manufacturing iron. For these special privileges, in contravention of the land policy of so many years, the company are required to pay only the minimum price of one dollar and twenty-five cents per acre, or one-sixteenth of the established minimum, and are granted a credit of two years, or twice the time allowed ordinary pre-emptors on offered lands.

Nor is this all. The pre-emption right in question covers three sections of land containing iron ore and *coal*. The act passed on the 1st of July, 1864, made it lawful for the President to cause tracts embracing coal-beds or coal-fields to be offered at public sale in suitable legal subdivisions to the highest bidder, after public notice of not less than three months, at a minimum price of twenty dollars per acre, and any lands not thus disposed of were thereafter to be liable to private entry at said minimum. By the act of March 3, 1865, the right of pre-emption to coal lands is granted to any citizen of the United States who at that date was engaged in the business of coal mining on the public domain for purposes of commerce; and he is authorized to enter, according to legal subdi-

visions, at the minimum price of twenty dollars per acre, a quantity of land not exceeding one hundred and sixty acres, to embrace his improvements and mining premises. Under these acts the minimum price of three sections of coal lands would be thirty-eight thousand four hundred dollars, (\$38,400.)

By the bill now in question these sections containing *coal and iron* are bestowed on this company at the nominal price of \$1 25 per acre, or two thousand four hundred dollars, (\$2,400,) thus making a gratuity or gift to the New York and Montana Iron Mining and Manufacturing Company of thirty-six thousand dollars, (\$36,000.)

On what ground can such a gratuity to this company be justified, especially at a time when the burdens of taxation bear so heavily upon all classes of the people?

Less than two years ago it appears to have been the deliberate judgment of Congress that tracts of land containing coal-beds or coal-fields should be sold, after three months' notice, to the bidder at public auction who would give the highest price over twenty dollars per acre; and that a citizen engaged in the business of actual coal mining on the public domain should only secure a tract of one hundred and sixty acres at private entry, upon payment of twenty dollars per acre, and formal and satisfactory proof that he in all respects came within the requirements of the statute. It cannot be that the coal-fields of Montana have depreciated nearly twenty-fold in value since July, 1864. So complete a revolution in the land policy as is manifested by this act can only be ascribed, therefore, to an inadvertence, which Congress will, I trust, promptly correct.

Believing that the pre-emption policy—so deliberately adopted, so long practiced, so carefully guarded with a view to the disposal of the public lands in a manner that would promote the population and prosperity of the country—should not be perverted to the purposes contemplated by this bill, I would be constrained to withhold my sanction, even if this company were, as natural persons, entitled to the privileges of ordinary pre-emptors; for if a corporation, as the name and the absence of any designation of individuals would denote, the measure before me is liable to another fatal objection.

Why should incorporated companies have the privileges of individual pre-emptors? What principle of justice requires such a policy? what motive of public welfare can fail to condemn it? Lands held by corporations were regarded by ancient laws as held in *mortmain*, or by "*dead-hand*," and from the time of *magna charta* corporations required the royal license to hold land, because such holding was regarded as in derogation of public policy and common right. Pre-emption is itself a special privilege, only authorized by its supposed public benefit in promoting the settlement and cultivation of vacant territory, and in rewarding the enterprise of the persons upon whom the privilege is bestowed. "Pre-emption rights," as declared by the Supreme Court of the United States, "are founded in an enlightened public policy, rendered necessary by the enterprise of our citizens. The adventurous pioneer, who is found in advance of our settlements, encounters many hardships, and not unfrequently dangers from savage incursions. He is generally poor, and it is fit that his enterprise should

be rewarded by the privilege of purchasing the spot selected by him, not to exceed one hundred and sixty acres."

It may be said that this company, before they obtain a patent, must prove that within two years they "have erected, and have in operation in one or more places on the said lands, iron-works, with a capacity for manufacturing at least fifteen hundred tons of iron per annum." On the other hand, they are to have possession for two years of more than twelve thousand acres of the choice land of the Territory, of which nearly two thousand acres are to contain *iron ore and coal*, and over ten thousand acres to be of *timber* land selected by themselves. They will thus have the first and exclusive choice. In fact, they are the only parties who at this time would have any privilege whatever in the way of obtaining titles in that Territory. Inasmuch as Montana has not yet been organized into a land district, the general pre-emption laws for the benefit of individual settlers have not yet been extended to that country, nor has a single acre of public land in the Territory yet been surveyed. With such exclusive and extraordinary privileges, how many companies would be willing to undertake furnaces that would produce five tons per day in much less time than two years?

It is plain the pretended consideration on which the patent is to issue bears no just proportion to that of the ordinary pre-emptor, and that this bill is but the precursor of a system of land distribution to a privileged class, unequal, unjust, and which ought not to receive the sanction of the general government. Many thousand pioneers have turned their steps to the western territories, seeking, with their wives and children, homesteads to be acquired by sturdy industry under the pre-emption laws. On their arrival they should not find the timbered lands and the tracts containing iron ore and coal already surveyed and claimed by corporate companies, favored by the special legislation of Congress, and with boundaries fixed even in advance of the public surveys—a departure from the salutary provision requiring a settler upon unsurveyed lands to limit the boundaries of his claim to the lines of the public survey after they shall have been established. He receives a title only to a legal subdivision, including his residence and improvements. The survey of the company may not accord with that which will hereafter be made by the government, while the patent that issues will be descriptive of and confer a title to the tract as surveyed by the company.

I am aware of no precedent for granting such exclusive rights to a manufacturing company for a nominal consideration. Congress have made concessions to railway companies of alternate sections, within given limits of the lines of their roads. This policy originated in the belief that the facilities afforded by reaching the parts of the country remote from the great centres of population would expedite the settlement and sale of the public domain. These incidental advantages were secured without pecuniary loss to the government, by reason of the enhanced value of the reserved sections, which are held at the double minimum. Mining and manufacturing companies, however, have always been distinguished from public improvement corporations. The former are, in law and in fact, only private associations for trade and business on indi-

vidual account, and for personal benefit. Admitting the proposition that railroad grants can stand on sound principle, it is plain that such cannot be the case with concessions to companies like that contemplated by this measure. In view of the strong temptation to monopolize the public lands, with the pernicious results, it would seem at least of doubtful expediency to lift corporations above all competition with actual settlers, by authorizing them to become purchasers of public lands in the Territories for any purpose, and particularly when clothed with the special benefits of this bill. For myself, I am convinced that the privileges of ordinary pre-emptors ought not to be extended to incorporated companies.

A third objection may be mentioned, as it exemplifies the spirit in which special privileges are sought by incorporated companies.

Land subject to Indian occupancy has always been scrupulously guarded by law from pre-emption settlement or encroachment under any pretext, until the Indian title should be extinguished. In the fourth section of this act, however, lands held by "Indian title" are excepted from prohibition against the patent to be issued to the New York and Montana Iron Mining and Manufacturing Company.

The bill provides that the patent "shall convey no title to any mineral lands, *except iron and coal*, or to any lands held by right of possession, or by any other title *except Indian title*, valid at the time of the selection of the said lands." It will be seen that by the first section, lands in "Indian reservations" are excluded from individual pre-emption right; but by the fourth section the patent may cover any Indian title except a *reservation*; so that no matter what may be the nature of the Indian title, unless it be in a reservation, it is unprotected from the privilege conceded by this bill.

Without further pursuing the subject, I return the bill to the Senate without my signature, and with the following as prominent objections to its becoming a law:

1st. That it gives to the New York and Montana Iron Mining and Manufacturing Company pre-emption privileges to iron and coal lands on a large scale, and at the ordinary minimum—a privilege denied to ordinary pre-emptors. It bestows upon the company large tracts of *coal* lands at one-sixteenth of the minimum price required from ordinary pre-emptors. It also relieves the company from restrictions imposed upon ordinary pre-emptors in respect to *timber lands*; allows double the time for payment granted to pre-emptors on offered lands; and these privileges are for purposes not heretofore authorized by the pre-emption laws, but for trade and manufacturing.

2d. Pre-emption rights on such a scale to private corporations are unequal, and hostile to the policy and principles which sanction pre-emption laws.

3d. The bill allows this company to take possession of land, use it, and acquire a patent thereto, before the Indian title is extinguished, and thus violates the good faith of the government toward the aboriginal tribes.

ANDREW JOHNSON.

WASHINGTON, D. C., June 15, 1866.

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE FIRST SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON, ON MONDAY, THE FOURTH DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-FIVE.

AN ACT to enable the New York and Montana Iron Mining and Manufacturing Company to purchase a certain amount of the public lands not now in market.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New York and Montana Iron Mining and Manufacturing Company be, and they are hereby, authorized at any time within one year after the approval of this act by the President of the United States, to pre-empt two tracts of land in the Territory of Montana, which, in the aggregate, shall not exceed twenty sections, not included in any Indian reservations or in any government reservation for military or other purposes; three of which sections may be selected of lands containing iron ore and coal, and the remaining sections of timber lands near the said selections containing iron ore and coal, which selections shall be made under regulations from and subject to the approval of the Secretary of the Interior.

SEC. 2. *And be it further enacted,* That the said company may acquire immediate possession thereof, on the selection of the said lands, by permanently marking their boundaries and publishing a description thereof, in any two newspapers of general circulation in the said Territory, for the period of thirty days.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Secretary of the Interior to cause patents to issue to the said company for the said lands on the conditions mentioned in this section; all of which must be complied with within two years from the approval of this act by the President of the United States, or the said lands shall revert to the United States: First, that the said company shall have the said lands carefully surveyed at their own expense, and shall file a plot of the same in the General Land Office of the United States, which surveys shall be by lines running north and south, and east and west, and each of said tracts of land shall be as nearly in a square form as may be practicable. Second, that the said company shall have furnished the Secretary of the Interior evidence satisfactory to him that they have erected, and have in operation, in one or more places on the said lands, iron-works with a capacity for manufacturing at least fifteen hundred tons of iron per annum. Third, that the said company shall have paid the United States for the said lands the minimum price of one dollar and twenty-five cents per acre.

SEC. 4. *And be it further enacted,* That the said patents shall convey no title to any mineral lands except iron and coal, or to any lands held by right of possession, or by any other title, except Indian title, valid at the time of the selection of the said lands.

SEC. 5. *And be it further enacted,* That the said company shall have the same privileges in every particular with reference to the said lands which are now by law granted to ordinary pre-emptors, and shall be under the same restrictions as ordinary pre-emptors, with reference to the wood and timber on the said lands, with the exception of so much as may be necessarily used by the said company in the erection of buildings, and in their legitimate business of manufacturing iron.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LAFAYETTE S. FOSTER,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

J. W. FORNEY, *Secretary.*

THE STATE OF NEW YORK,
IN SENATE,
January 1, 1891.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE,
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1890.
ALBANY:
J. B. LIPPINCOTT & CO.,
PRINTERS,
1891.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A copy of resolutions of the legislature of Georgia, requesting a suspension of the collection of the internal revenue tax due from that State, pursuant to the act of Congress of the 5th of August, 1861.

JUNE 13, 1866.—Read, referred to the Committee on Finance and ordered to be printed.

To the Senate and House of Representatives:

I communicate and invite the attention of Congress to a copy of joint resolutions of the senate and house of representatives of the State of Georgia, requesting a suspension of the collection of the internal revenue tax due from that State, pursuant to the act of Congress of the 5th of August, 1861.

ANDREW JOHNSON.

WASHINGTON, June 11, 1866.

Whereas, by an act of the Congress of the United States, passed August 5, 1861, providing for the raising of internal revenue, the direct assessment upon the State of Georgia is five hundred and eighty-four thousand three hundred and sixty-seven and one-third dollars, ($584,367 \frac{33}{100}$;))

Whereas the process of collecting said sum has commenced in Georgia, and no opportunity has been afforded this State to assume the collection and payment of the amount required of the State;

Whereas the Secretary of the Treasury of the United States declines, without express legislation by Congress, to permit this assumption by the States lately hostile to the United States: Therefore,

1. *Resolved by the senate and house of representatives of the State of Georgia,* That the Secretary of the Treasury of the United States is respectfully requested to suspend the collection of Georgia's quota of the internal revenue tax from the people until the question shall be submitted to Congress.

2. *Resolved,* That the Congress of the United States is requested to consider the just claims of the people of Georgia, who, on account of their present exhausted condition, should be relieved from the payment of federal tax by a direct levy upon the people at this time, and that the State should be permitted to assume its collection and payment.

3. *Resolved*, That his excellency Charles J. Jenkins, governor, is requested to forward a copy of this preamble and resolutions to the Secretary of the Treasury of the United States, and to his excellency Andrew Johnson, President, with a request that the same be laid before Congress.

THO. HARDEMAN, JR.,

Speaker House of Representatives.

J. D. WADDELL,

Clerk House of Representatives.

WILLIAM GIBSON,

President of Senate.

JOHN B. WEEMS,

Secretary of Senate.

Approved February 15, 1866.

CHARLES J. JENKINS,

Governor.

SECRETARY OF STATE'S OFFICE,

Milledgeville, Ga., March 5, 1866.

The foregoing two pages contain a true and correct copy of the original now on file in this office.

Given under my hand and official seal.

[SEAL.]

N. C. BARNETT,

Secretary of State.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
INFORMING

*Congress of the passage of an act of acceptance by the State of Georgia of
lands for the benefit of colleges for agriculture and mechanic arts.*

JUNE 13, 1866.—Ordered to lie on the table and be printed.

To the Senate and House of Representatives :

It is proper that I should inform Congress that a copy of an act of the legislature of Georgia of the 10th of March last has been officially communicated to me, by which that State accepts the donation of lands for the benefit of colleges for agriculture and mechanic arts, which donation was provided for by the acts of Congress of the 2d of July, 1862, and 14th April, 1864.

ANDREW JOHNSON

WASHINGTON, *June* 11, 1866.

MESSAGE
FROM THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING

In compliance with a resolution of the Senate of the 6th instant, a copy of the report of the Board of Visitors to the Naval Academy for the year 1866.

JUNE 11, 1866.—Read, referred to the Committee on Naval Affairs, and ordered to be printed.
JUNE 15, 1866.—1,000 additional copies ordered to be printed.

To the Senate of the United States :

In compliance with a call of the Senate, as expressed in a resolution adopted on the 6th instant, I transmit a copy of the report of the Board of Visitors to the United States Naval Academy for the year 1866.

ANDREW JOHNSON.

EXECUTIVE MANSION, *June 9, 1866.*

NAVY DEPARTMENT,

Washington, D. C., June 9, 1866.

SIR : I have the honor to transmit herewith a copy of the report of the Board of Visitors to the United States Naval Academy for the year 1866, called for by resolution of the Senate on the 6th instant.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy

The PRESIDENT.

Report of the Board of Visitors to the United States Naval Academy for the year 1866.

SIR : The Board of Visitors appointed to witness the examination of the several classes in the Naval Academy at Annapolis, and to inquire into the state of the discipline and the general management of the institution, now have the honor to report to the Navy Department the result of their labors.

The board assembled at Annapolis on Monday, the 21st of May, and immediately began its regular daily sessions, which were continued until a complete survey of the institution and its operations had been made. We have to acknowledge the great assistance given to us in our investigations by the superintendent and other officers of the academy, who placed at our command every possible facility for acquainting ourselves with its actual condition. While our

examinations were in all cases made independently, and in such direction and to such extent as we deemed expedient, the superintendent and several of the members of the academic board were frequently in attendance upon us, at our invitation, to make explanations or to state their views upon points with regard to which we sought information, and special exercises were, in several instances, ordered by them in departments in which we desired to test more carefully the proficiency of the midshipmen. The books and accounts of the academy, and the records of merit and discipline, were also submitted to our inspection, and made the subject of special inquiry by committees of our number.

The condition of the educational department of the institution, as exhibited in the annual examination, the board found to be, in general, highly satisfactory. The professors and instructors, selected, as it appeared to us, with much discrimination from the various grades of the service, have performed their duties with zeal and efficiency, and the interest of the pupils in their studies, and their mastery of the subjects presented to them, it is believed, will compare favorably with what may be observed in the best academic or professional institutions in the land. The several branches, to the extent to which they are included in the authorized course of instruction, are taught thoroughly, and in general with a judicious view to the probable wants of the future officer, and the board were gratified to find on every side that unfailing evidence of the earnestness and devotion of the instructor which is afforded by his desire to secure greater attention and an increased relative weight for the branch of study of which he has immediate charge. We shall not be understood, therefore, as reflecting upon either the merit or the success of the efforts of the officers of instruction in any branch when we recommend a change of the course of instruction in some particulars.

After mature deliberation upon this subject, which engaged a large share of our attention, the board finds itself unable to subscribe to the opinion that it is the chief or even a considerable part of the work of the Naval Academy to perfect the education of its pupils in literature or in theoretical science. Its business is, in our judgment, to supply to the naval service practical seamen, men who can navigate our ships and fight their guns; who have acquired the habit of professional subordination, which is the best preparation for the exercise of authority, and who are thoroughly imbued with the sense of duty to their country. The first requisite—failing in which *all* the work of the academy will be only lost time—is, that its graduates should be qualified to enter upon the varied and responsible duties of active service in the grade to which they are admitted.

If, in addition to this, they could also be sent forth as gentlemen, qualified by their culture and polish to shine in the foreign circles in which they may represent the intelligence and worth of our nation, we should welcome the achievement. In our opinion, however, it is impracticable to effect this, even in a very moderate degree, within the limits of a course of four years, without doing injustice to the strictly professional branches which are indispensable for practical seamanship. Especially does this appear to us to be the case, in view of the extremely imperfect preparation with which many of the midshipmen enter the academy, and which renders the first year of the course necessarily little more than a year of preparatory study—an evil of which, in the present state of things, we see no probability of remedy—and in view of the fact that a large part of the midshipmen enter the academy at an age which, if not mature, is yet so far advanced as to call for special efforts to create in them the tastes and habits of the sea-faring life.

With respect to the latter point, while the board do not think it worth while to recommend a reduction of the present maximum age for admission, they are satisfied that it cannot be too strongly urged upon the members of Congress that, in the selection of candidates for admission, the interests of the service are

best promoted by giving the preference to those who are nearest the age of fourteen.

The question how far the special professional training can be given in conjunction with the studies and under the conditions of a large institution, is one of which experience and careful observation of results must, in our opinion, develop the answer. We cannot flatter ourselves that we have now hit upon the exact limit at which the process of general education must give way to the exigencies of practical service; we are convinced, however, that so far from being found in the direction of an increase in the variety or extent of the general literary or scientific acquirements of the midshipmen, the proper adjustment is to be found in a reduction of those acquirements, and an increase of the opportunities for strictly professional study and experience. And this course, while it will give to the service more practical seamen, will not in the end, in our judgment, give it a less creditable or even a less accomplished class of officers. It will still be in the power of the academy to do much in the way of influencing the future improvement of opportunities for self-culture by its graduates; its officers can at least point out the treasures which it is not their province to unlock, and, above all, the powerful *esprit de corps* which an institution of this sort will infuse into the service, and which is so potent an agency for evil if misdirected, can be made an effective stimulus to the ambition and industry of the lower grades of officers in supplying what may be felt as the defects of their education.

Impressed with these views, the board have given a thorough consideration to the course of study now laid down for the midshipmen. We recommend increased attention to every branch which bears directly upon the duties of the young officer, and for the purpose of gaining time for this object we advise the discontinuance and modification of several branches of less immediately practical character.

In the department of mathematics we advise the abandonment of the last three of the seven branches of that department, including descriptive and analytical geometry and the calculus. We are not insensible of the importance of these studies, for a thorough mathematical education; but in our judgment they cannot prudently be brought within the scope of a professional course of only four years, which begins with simple arithmetic. For the same reasons we also recommend that the study of astronomy be reduced to the amount which is required for thorough instruction in navigation; and we do this with the more confidence from the belief that this important study will not be pursued to any valuable extent after graduation, except by those officers whose natural aptitude for astronomical science may lead them to make it a special object of pursuit. We recommend that the study of mechanics and physics be entirely subordinated to the study of steam enginery, and the entire department of natural and experimental philosophy, including chemistry, be merged in the department of steam, the use of compendious manuals and occasional instruction by lectures, in application of natural philosophy and chemistry to the generation and use of steam, covering, in our opinion, as much of these branches as there is either occasion or opportunity to deal with. We advise that the study of rhetoric as a special branch be discontinued, except so far as it can be taught in connexion with English grammar, and by such practical instruction in the correct use of simple language as can be given incidentally in pursuing other studies. We also advise that physical geography, history, ethics and political science, including constitutional and naval law, and the law of nations, should no longer be taught by text-books, but by familiar lectures, in which the exposition of a few leading principles should be accompanied by explanations of the value and bearing of the studies and some account of the leading authorities and sources of information.

In most of the foregoing suggestions, as well as in our general views of the necessity of giving to the course of instruction a more directly practical character, we were gratified to find that we had the concurrence of the present

superintendent, and of so many of the leading officers of instruction as expressed their opinions to us; and we take this opportunity to declare our sense of the great service which the superintendent is rendering to the institution and to the government, by his energetic and judicious efforts to perfect the organization of the academy, and to enlarge the views on which its course of instruction is established. His thorough appreciation of the wants of the profession, of which he himself is so distinguished a member, and the constant activity stimulated by him in every department of the academy, promise a marked increase in the efficiency and practical qualifications of the officers supplied to the service by this institution.

The time gained by the modifications of the course of study now recommended might, in the opinion of the board, be advantageously used in giving increased attention to branches having a more immediate bearing upon the active duties of naval life.

The board would especially advise that steam enginery, including as it does, under their recommendation, all of mechanics and physics that should be studied at the academy, should now have a far more prominent place in the course of instruction than it has had hitherto. Without entering upon the question whether steam is to entirely supersede the use of sails as a motive power for the navy, it is apparent that steam is now and must continue to be of such general application as to make it indispensable for the efficiency of a naval officer that he should understand the construction of steam machinery, and the methods of using, repairing, and preserving it. We were therefore gratified to learn that the course of instruction in this department had been extended so as to cover three years of the academic course. We attended and carefully observed the examination in steam enginery, and were much impressed by the proficiency of the students and the readiness with which they mastered the mechanical details of the subject. In our judgment this department, for the successful organization of which great credit is due to the officer in whose charge it is placed, deserves to be carefully fostered, and a thorough understanding of the practical management of steam in the naval service should be made an object of honorable ambition among the midshipmen. The board are also of opinion that the study of gunnery, in view of the important improvements recently made in artillery and projectiles, should receive increased consideration as a branch of naval science, the practice and investigation of which it is the interest and desire of the government to promote.

It is also deemed important that increased attention should be given to the acquisition of French and Spanish, as spoken languages. For obvious reasons, facility in the use of these languages is now more necessary than ever for our naval officers, and it is therefore recommended that every means be used to perfect the instruction in these branches, and especially to give the students the utmost amount of practice that is possible in using these languages while in the recitation-room, and to introduce, so far as possible, the oral method of instruction.

But without reviewing the several branches in which a change of relative importance seems desirable, the board recommend a revision of the scale of numbers by which the importance of the different branches in the merit roll is determined, and that it be established substantially as follows:

	Present scale.	Scale recom- mended.
Seamanship.....	168	210
Gunnery.....	105	155
Naval tactics.....	30	40
Steam enginery.....	126	185
Navigation and surveying.....	90	130
Total.....	519	720
Infantry tactics.....	24	30
Fencing.....	24	30
Hydrographical and topographical drawing.....	12	20
French.....	72	82
Spanish.....	54	62
Drawing.....	39	50
Total.....	225	274
Mathematics.....	111	60
General astronomy.....	24	.....
Mechanics and physics.....	90	.....
Moral science, naval, constitutional, and international law.....	66	.....
Grammar and rhetoric.....	30	30
Geography.....	12	20
History and composition.....	27	.....
Total.....	360	110
Conduct.....	123	123
Grand total.....	1,227	1,227

The board do not present this revised scale as describing a theoretically perfect course of instruction, but rather as exhibiting in a degree the more practical tendency which should be given to the system. It still includes, as we are well aware, branches which do not rise far above the level of professional accomplishments. It does not appear advisable to us, however, to strike out branches of this sort which are recognized as proper for the education of a naval officer, and for studying which the academic course is likely to present the last opportunity. And a similar consideration has induced us to recommend for a comparatively low place in the course some branches which we recognize as eminently important, but which are destined to be the subjects of constant study by officers in actual service, and to which the academy, therefore, can supply little more than an introduction.

The board are informed that it is the intention, for the present year, to send the entering class of midshipmen on board of a practice ship for a cruise of four months immediately after their preliminary examination, and we regard it as an important measure, in giving a more practical cast to the instruction at the academy, that this plan should be made a permanent feature of the course. We would also advise the adoption of a regulation requiring every candidate for admission to the academy to declare his own personal desire to adopt the naval profession and his full belief in his adaptation for the naval service. This system, in connexion with the practice above recommended, of beginning the course with a four months' cruise, would have the advantage of partially sifting the en-

tering class with reference to their tastes and aptitude for naval life, and, it is believed, would thus in many cases save to the government the expense of carrying on a costly course of instruction with young men who have neither fondness nor capacity for the service. And in that case the board recommend the greatest strictness on the part of the Navy Department in accepting the resignations of members of the upper classes or of graduates, in order that it may be thoroughly impressed upon the minds of all that this institution was not established for the purpose of educating gratuitously a certain number of young men, however deserving, but for the purpose of obtaining trained and devoted officers for the navy. The board also advise, for the same practical end, that the annual summer cruise be extended to four months, so that in the four years of instruction the midshipmen may have sixteen instead of twelve months in which to familiarize themselves with the practical details of seamanship and the characteristics of the profession on which they are entering.

We recommend that the examination in February should no longer be regarded as final, and that midshipmen found deficient in any branches at that time should not be held liable to dismissal or reduction to a lower class, but that while it should continue to have its present value upon the merit-roll, it should be treated as an informal test, warning those who may be found deficient of the necessity of increased diligence for the purpose of meeting the final and decisive test in June. This, we are informed, has been the custom at West Point in the corresponding examination of the cadets in February; and it is further recommended, in our judgment, as regards the lower classes, by the fact that many midshipmen, entering the academy with imperfect preparation and without habits of study, and thus laboring during their earlier months at great disadvantage, afterwards develop not only the other qualities of good officers, but a fair natural capacity for learning.

The board have been led to consider the question whether midshipmen of manifest aptitude for seamanship, and having the material of good officers, should be dismissed from the service for deficiency in branches of subordinate practical importance, or for a deficiency in conduct as exhibited by the merit-roll. We do not think it expedient, however, to recommend any changes which should seem to single out certain branches for neglect at pleasure or to relax the discipline of the institution—believing it best that all cases of failure to meet the requirements of the prescribed course should remain, as at present, to be decided by the department in the exercise of a sound discretion as to the interests of the service, with the lights afforded by the report of the academic authorities upon the characteristics and merits of each case.

The board are glad to report that they found the academy in an excellent state of discipline. The regulations of the institution are strict, and are doubtless irksome at times, to those who are unaccustomed to naval and military routine. We are of opinion, however, that this strictness is not excessive, and are satisfied, not only from our observation of the general bearing of the midshipmen and their demeanor towards their superiors, but from more particular investigation, that the effect of the regulations is salutary, and that while they rigorously compel the formation of habits of promptness, precision and etiquette, and a due sense of the responsibilities of the officer, they do not weigh harshly upon the generous spirit of youth or unduly curtail its freedom. The relations existing between the midshipmen and those in charge of them appeared to us honorable in the highest degree to the good sense and good feeling of both. We believe, moreover, that the good state of discipline prevailing in the institution is not superficial merely, but that it is the result of an excellent moral tone, which, in our judgment, is not surpassed in any equally numerous body of young men, and which, without being perfect, is yet a just ground for satisfaction and pride. In this, as in other particulars, there is every reason to believe that a marked improvement has taken place in the character of the institution.

The board were gratified to observe the good order to which the assiduous labors of the present superintendent have restored nearly every department of the academy since its removal from Newport to its old seat at Annapolis, and the success with which nearly every trace of four years of military occupation has been removed from the grounds and buildings of the institution. We saw, with regret, however, some deficiencies in the present facilities for carrying on the work of the academy which even the judicious and untiring efforts of that valuable officer cannot supply without the co-operation of the Navy Department and of Congress; and we therefore, in this connexion, invite the attention of the department to several points which we believe to be of importance for the successful working of the academy.

It is, in our judgment, highly important that the government should secure possession of the lands lying northwest of the academy grounds, as far as "Graveyard creek," and at once bring them within its enclosure, which would then run in a straight line from one side of the peninsula, on which Annapolis stands, to the other, giving to government the control of the whole water front of the Severn. This extension of the grounds on the northwest would enable the government to efface altogether a settlement of most undesirable character which is now rapidly springing up in the territory to which we refer. This settlement planted close under the walls of the academy cannot fail to become a repository of filth and a breeding place for disease, and there are good grounds for apprehending that it may prove to be the source of moral as well as of physical infection; and we therefore respectfully urge that no time should be lost in freeing the academy from the risks of such a dangerous neighborhood.

In case this is done, it will be possible to establish the hospital of the institution in a more secluded position, where its inmates will be less disturbed than at present by the noise necessarily incident to many of the practical exercises of the academy, and also to greatly enlarge the hospital accommodations, which, although excellent in kind, are now wholly insufficient in extent, and might in an unhealthy season prove seriously inadequate. It would also in this case be possible to increase the quarters for the officers of the institution, which are at present so limited as to compel a large proportion of them to content themselves with the very meagre and expensive accommodations to be found in the adjacent parts of Annapolis.

In this connexion the board invite attention to the answer given by the superintendent to the inquiry addressed to him, with respect to the extension of the academy grounds, and contained in a paper appended to this report (marked A.) It will be seen that the superintendent advises the additional purchase of a tract of land which lies beyond "Graveyard creek," and which can easily be connected with the academy grounds by a light bridge. This proposition, and the reasons urged in its behalf, we respectfully recommend to the attention of the Navy Department.

The board learned with regret that it is proposed to try the experiment of enlarging the present chapel of the academy. It is, in our judgment, a mistake to spend any considerable sum of money upon a building which, even with the proposed enlargement, must still be not only unsuited for its purposes in other respects, but of inadequate size; and we therefore recommend the erection of a new chapel, of a character better suited to its purposes, and of sufficient capacity to make it possible to assemble under its roof for divine worship all the midshipmen in the academy and their officers of government and instruction.

The board witnessed the practical exercises and target-firing with the cannon mounted in the building at the lower end of the academy grounds and used as a battery for instruction, and were strongly convinced of the entirely unsuitable character of the building for its present use. We believe it important, for the value of such exercises, that they should take place in a proper ship's battery, rather than an edifice like the present; and we believe that no small

danger to the hearing of the midshipmen is to be apprehended from the excessive concussion produced within the closed walls and under the roof of the building at every discharge—a concussion which officers of experience among our number declare to be more painful than that which is felt in the turret of a monitor. We recommend, therefore, that the frigate *Santee*, now temporarily stationed at the school, be permanently attached to it, and completely equipped, and that her batteries be used hereafter in all exercises with heavy guns and in target practice. If this should be done, it would be possible to give the midshipmen practical instruction in stationing men at the guns, in passing powder, and in the other preparations and details of a naval action, and also to exhibit ricochet firing; while the authorities of the academy inform us that the frigate would supply them with accommodations, now much needed, for seamen and servants belonging to the institution, and for stores of various kinds, and that it would enable them to remove from the present battery the contents of a large magazine, which they regard as being dangerously exposed. The building itself could then be converted into a gymnasium, with a prospect of most useful results in the physical training of the midshipmen.

Of the quality of the target practice referred to above, it is impossible for the board to speak, since the shells used on that occasion were of such inferior character as to explode prematurely in the great majority of cases, and in some instances immediately after leaving the gun, so that it was found necessary to discontinue the exercise with shells. It is hardly necessary for us to urge that care should be taken to supply the academy with ammunition which does not by its inferiority defeat the only purpose for which its use is required.

The superintendent called the attention of the board to the eight boats lately supplied to the academy for the practice with boat howitzers, and pronounced them entirely unsuited for their purpose, and at variance with the regulations of the navy. Other officers of experience have concurred with him in pronouncing the boats too small for use with howitzers, not strong enough to endure the shock of firing from on board, and so constructed as to render the landing of the guns extremely difficult, if not hazardous. As the midshipmen are to become the instructors of seamen in this important duty, we beg to suggest the necessity of providing them with the best facilities for learning that which they are to practice and teach, and especially of supplying to them for their exercises the same appliances, whether guns or boats, which, under the regulations of the navy, they are hereafter to use in actual service.

The board made some inquiry into the method by which the expenses of the midshipmen are regulated while at the academy. We recognize with satisfaction the reduction which the present superintendent has effected in several items of these personal expenses, and recommend that further changes be made, in order to remove, so far as possible, the present disparity between the pay of the midshipmen and their necessary charges. On this subject we respectfully call attention to a detailed report made by a special committee of our number, and appended to the report of the board. (See report B.) The same special committee also made a thorough investigation of the sanitary condition and hygiene of the academy buildings and grounds, in addition to the general examination made by the board, and, in the main, with satisfactory results, for which we also make reference to the report of the committee, with the single remark, that the obvious health and excellent physical condition of the midshipmen affords an easy and convincing test of the attention which is given to this important branch of the regulations. The board made a somewhat minute examination of the quality of the food supplied to the midshipmen, and to the arrangements of the kitchen and mess-hall, and, with the exception of the present unavoidably high prices, are satisfied that this department is in as good condition as could be desired.

For the benefit of our successors in the agreeable duty which we have per-

formed we take leave to urge upon the department the propriety of providing quarters and subsistence for the Board of Visitors at the academy, instead of requiring them, as at present, to take the risk and bear the expense of what they may be able to find in Annapolis. Our own experience has been such that we would willingly have exchanged the luxuries of hotel life in that venerable city for the plain but substantial fare and cleanly accommodations enjoyed by the midshipmen. And, in our judgment, it hardly comports either with the dignity of the naval service or with the interests of the academy, that naval officers of rank, and gentlemen invited from distant sections of the country to inspect the institution, whose investigations are believed to be important in securing to it that public confidence which it so justly enjoys, should find that an otherwise interesting and pleasant duty subjects them both to pecuniary outlay and to such personal inconveniences as it is not agreeable either to experience or to recount.

In conclusion the board have only to add to what has already been said an expression of their great satisfaction with the general condition of the Naval Academy. The institution is, in our judgment, performing successfully the work for which it was created, and is preparing for the navy a class of officers who will not fail to sustain and advance the brilliant reputation which has been won for the service by the noble achievements of the last generation, and of that which is now upon the stage. The department has, by a fortunate choice, appointed as head of the institution an officer whose rank and great professional distinction are a constant and effective stimulus for the formation of a high standard of practical attainment, and for the energetic discharge of duty. We cannot doubt that, under its present auspices, with the support which it has a right to expect, and with the continuance of the patriotic spirit which pervades its whole organization, the academy will retain and strengthen its hold upon the public confidence and regard as one of the most important agencies for maintaining the honor of our country, and for perpetuating the national existence and unity.

All of which is respectfully submitted.

W. M. WALKER,
Captain U. S. N.
J. YOUNG SCAMMON,
Illinois.
DANIEL AMMEN,
Commander U. S. N.
J. EDWARDS,
Pennsylvania.
DAVID HARLAN,
Surgeon U. S. N.
CHARLES F. DUNBAR,
Massachusetts.
WILLIAM H. SHOCK,
Chief Engineer U. S. N.
R. P. MITCHELL,
Tennessee.

I concur entirely and heartily in the views expressed in the above excellent report, excepting in one single particular, which conflicts too directly with my convictions to receive my assent, and is too important to be passed without notice. I allude to the numerical values assigned to certain studies in the scale assigned by the board.

The study of steam (185) is placed above that of ordnance (155,) and receives a value one-fifth greater. It is true that certain other branches are to be discontinued

and merged in "steam," but only so far as may be necessary to the study of steam.

I am unable to concur in the propriety of establishing or retaining such a relation. That, generally accepted, to make a good sea officer, assigns seamanship the first place, then ordnance and gunnery, then navigation.

I do not understand that it is proposed to dispense with the engineers of the navy, or to divest them of any of their duties, but to instruct the sea officers sufficiently to take full cognizance of what is going on in the steam department, and, if a necessity should arise, to superintend the working of the engine.

The ordnance of a ship-of-war alone gives it its distinctive character, and its proper use gives victory. If the knowledge of steam required of a sea officer were allowed to have an equal value with navigation, it seems to me that nothing further could be desired.

I believe that Admiral Porter concurs with me in this opinion.

There are other valuations in the scale of the board susceptible of improvement. Aptitude in practical seamanship is a most desirable qualification, and should have a separate valuation—a view sustained by each one of the officers of the academy who have appeared before the board. It is understood to be included in the estimate of values assigned to the various branches; it seems, however, advisable to give it a defined and separate value.

I would recommend that a board of competent officers be assembled after the summer's cruise, in order to adjust the scale of value that shall be assigned to the several branches that are to be taught at the academy.

I have the honor to be, very respectfully, your obedient servant,

J. A. DAHLGREN,

Rear-Admiral and Pres't Board of Visitors.

The Hon. SECRETARY OF THE NAVY.

A.

Questions submitted by the Board of Visitors, May 26, 1866, to Rear-Admiral Porter, superintendent United States Naval Academy, together with his answers thereto.

Question. Do you not think that the grounds for the Naval Academy are too limited, and that it is desirable to annex all the land between the hospital and the Severn?

Answer. The grounds for the Naval Academy are too limited, but they will be considerably improved by the addition of the land attached to the Government House, the purchase of which has been provided for by Congress.

It is desirable that we should have these grounds and the building thereon as soon as possible. We have no parade-ground, nor have we any place to exercise howitzer drill. By the addition of the governor's grounds we shall have a moderate-sized parade-ground, and it will do for the present.

An appropriation has been made of \$25,000 for the further extension of the academy grounds, and I propose that the government should purchase the land to the northwest of the academy as far as "Graveyard creek." This will give us the whole water front and right of way to the above-named creek, placing within the grounds a fine creek for skating, an amusement in which the midshipmen take great pleasure.

It is very desirable that the midshipmen should find all their amusements within the academy limits. Everything that can be added in the way of embellishments, or that will render the grounds attractive, will wean them from outside influences.

There is a farm to the northwest of "Graveyard creek," containing about two hundred acres, which could be purchased for about \$30,000. Those grounds are well adapted for recreation, and can be added to the academy by means of a light bridge thrown across "Graveyard creek." On the north, east, and south sides this farm is bounded by water, and will only require a light board fence on the west to complete the naval boundary.

It will be very evident to every one that this addition to the Naval Academy will be productive of great comfort and happiness to the midshipmen, and their health will be improved by the increased facilities for out-door exercises.

The main hospital could be located within the above-mentioned grounds. The present hospital is not at all suited for the wants of the academy. A very sick person would be exceedingly annoyed, not to say distressed, by the noises about the present grounds. A trumpet sounds every hour, commencing at 8 a. m. and ending at 4 p. m. In the intervals between the trumpet, drums beat, the band plays twice a day, and there are two gun-fires—one at morning and the other at night. It is unnecessary to say what the effect is upon the sick, yet these musical exercises cannot be discontinued.

It has become a necessity that the government should get possession, without delay, of all the land to the northwest of the academy grounds as far as "Graveyard creek," not only for sanitary purposes, but to protect the morals of the midshipmen.

The locating of the Naval Academy at Annapolis has brought here over a thousand persons connected with the school, including seamen, marines, and servants, and a town naturally quiet and moral under ordinary circumstances, has (contrary to the wishes of the citizens) to submit to the immoral spectacle of houses of ill-fame going up in its midst.

This can be prevented in those parts of the town where the respectable portion of the inhabitants live, and where property would be injured by having such a class of tenants; but on the land to which I refer property is of little value, and cannot be depreciated by such people living there, and being the purlieus of the city, the existence there of this pest is scarcely known, except to the frequenters.

I am now trying my best, with the assistance of the mayor, to break up and drive from the town all people of the class referred to; but the board will easily understand how difficult that will be when houses for the purpose I have indicated can be obtained right under the walls of the academy.

The only way to effect a remedy for this evil is to buy without delay, all the property extending to "Graveyard creek," and if the owners refuse to sell, either to have a law of Congress passed taking it by appraisement, or else move the Naval Academy from Annapolis and place it in an isolated position, where it will be removed from contact with such abodes of immorality.

A custom has existed here of holding an examination in February, at which many midshipmen have been rejected or put back into another class.

The custom at West Point has been to examine cadets in February, to ascertain their progress, and to warn them, in case they are found wanting, that they must study up for June. This course has frequently the desired effect.

Many boys who enter here do not show an aptitude for study, nor do they acquire it in three or four months. This applies to high-spirited boys, who, taken up with the novelty of a naval life, amuse themselves in boats, in riggings of ships, &c., &c.

The practice of rejecting boys in February is a bad one, and all final examinations should take place in June.

Respectfully submitted :

DAVID D. PORTER, *Rear-Admiral.*

B.

REPORT OF COMMITTEE.

HYGIENE AND SANITARY CONDITION AND EXPENSES OF MIDSHIPMEN AT THE ACADEMY.

The committee to whom was referred "the matter of midshipmen's pay and the several expenses necessary and incidental to which a midshipman is subject while at the academy, and an inquiry into the hygiene and sanitary condition of the naval hospital and grounds of the academy," present the following report:

After a careful examination of the academy grounds, and an inspection of the hospital, the committee find the grounds, in every part, in excellent condition for promoting health and comfort. The hospital is clean; the furniture, beds, kitchen, dispensary, and wards were carefully inspected, and found in every particular in good condition. The reports of the surgeon of the academy were submitted to the committee, and an examination of the details of these reports showed that good health had existed among the midshipmen throughout the year. The excellent health of more than five hundred students affirms in a distinct and convincing manner the superior hygienic and sanitary condition of the Naval Academy buildings and grounds.

The hospital is too small to meet the requirements of the present number of midshipmen. The past year has been a healthy one. There has been no epidemic, yet the daily average of the midshipmen on the sick list the past year has been four times as many as could be received into the hospital.

In health, two midshipmen occupy one room. As soon as either become so much indisposed as to be received on the sick list, it is proper that he be removed to the hospital, for the disease may develop to such severity that subsequent removal to the hospital would endanger the sufferer.

It is very desirable, in every case, to withdraw the sick from the limited apartment where a room-mate is engaged in his studies.

To provide sufficient hospital accommodations for the midshipmen it is needful to acquire adjacent land and erect a proper edifice.

The paymaster exhibited a minute and detailed statement of the charges to which a midshipman is subjected for eight (8) months. This statement is appended.

Admiral Porter, the superintendent, communicated a statement (hereto appended) of the expenses of a midshipman for three (3) months of the cruise in the practice vessel.

The committee observe that for eleven (11) months the expenses are five hundred and seventeen dollars and sixty-nine cents, (\$517 69.) The fifty dollars reserved by the paymaster added make \$567 69.

For twelve months, a midshipman's pay is five hundred dollars, (\$500.) This shows that the pay is not sufficient.

The committee observe that the cost of "room furniture" annually is—

For eight months	\$5 43
Servants for eight months	1 00
Assessment for band—	
Eight months at academy	4 00
Three months' practice cruise	1 50
Barber, and one bath a week for eight months at academy	8 00
	19 93

In the opinion of the committee the furniture should belong to the government. Servants should be paid by the government, and every midshipman should have the privilege of two baths a week, hot or cold, free of cost. The barber should be hired by government, the government providing, as it does, the apartments for hair-cutting, bathing, the water, &c.

It seems unfair that for eight (8) months five hundred (500) midshipmen should pay four thousand dollars, (\$4,000,) the remuneration of the barber evidently exceeding that of a professor of the academy.

The committee recommend, in the warmest terms, the value of the band at the Naval Academy, and, in the opinion of the committee, it should be paid by the government.

Respectfully submitted:

D. HARLAN,

Surgeon U. S. N., Chairman of the Committee.

The BOARD OF VISITORS

U. S. Naval Academy.

PAYMASTER'S OFFICE, UNITED STATES NAVAL ACADEMY,

Annapolis, Md., May 25, 1866.

SIR: To your letter of the 23d instant, requesting information for the Board of Visitors in regard to the allowances, expenses, &c., of midshipmen, I respectfully reply as follows:

Midshipmen have no allowances in addition to their yearly pay, which is \$500, and from which \$50 per annum is reserved until their graduation. The statement appended will acquaint you with their necessary expenses for the current academic year:

Subsistence, at \$22 per month, for eight months.....	\$176 00
Washing and mending, at \$3 per month, for eight months.....	24 00
Room furniture, annual.....	5 43
Servant, at 12½ cents per month, for eight months.....	1 00
Barber, and one bath per week, hot or cold, at \$1 per month.....	8 00
Clothing.....	198 00
Text-books, average.....	24 50
Stationery and drawing materials.....	20 00
Assessment for band, 50 cents per month, for eight months.....	4 00
	460 93

There have been miscellaneous expenses (among which mending is included) such as postage, dentist, and express, but these vary so much in individual cases that no specified amount can be designated as applicable to all. Table furniture is provided by the commissary, without expense to the midshipmen.

I am, very respectfully, your obedient servant,

CHARLES W. ABBOT,

Paymaster United States Navy.

Lieutenant Commander S. B. LUCE,

Commandant Midshipmen, Naval Academy.

The estimate is much less than the expenses have been heretofore. Parade suits have been reduced in price during the last six months from \$54 to \$35. Drill suits in proportion. Mess bill is as low as can be bought at present prices.

A large number of books are used here, which add to the midshipmen's expenses, and seem to me to be of little use, and I would beg leave to call the attention of the board to them.

DAVID D. PORTER,
Rear-Admiral and Superintendent.

NAVAL ACADEMY,
Annapolis, Md., May 28, 1866.

SIR: In reply to your letter of the 28th instant, asking, in behalf of a committee of the board of visitors, to be informed as to the duration of the cruises of the practice vessels in 1865, and the cost of subsistence and other items paid by a midshipman during that cruise, I have to state that the midshipmen were embarked on the 13th, and that the practice vessels sailed from Newport, Rhode Island, on the 20th of June, and arrived at this place on the 12th of September last, making a cruise of two months and twenty-five days, and that the cost of Subsistence of each midshipman per day was $49\frac{3}{4}$ cents, or per month

of thirty-one days	\$15 42
Washing per month	3 00
Contribution per month to band	50
	18 92

This statement includes all disbursements made by the paymasters of the several practice vessels for the midshipmen who performed the cruise of 1865.

I am, respectfully, your obedient servant,

DAVID D. PORTER,
Rear-Admiral and Superintendent Naval Academy.

Surgeon D. HARLAN,
United States Navy.

MESSAGE

PRESIDENT OF THE UNITED STATES

Delivered

to the Senate and House of Representatives of the United States in Congress assembled

at the City of Washington

on the 10th day of January, 1892

TO THE SENATE OF THE UNITED STATES

I have the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
JAMES M. BLAINE

Secretary of State

Department of State

Washington, D. C.

The Secretary of State has the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
JAMES M. BLAINE

Secretary of State

The Secretary

Very respectfully,
JAMES M. BLAINE

The Secretary of State has the honor to acknowledge the receipt of your letter of the 10th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 13th instant, information in regard to the departure of troops from Austria for Mexico.

JUNE 18, 1866.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States :

In compliance with a resolution of the Senate of the 13th instant, calling for information in regard to the departure of troops from Austria for Mexico, I transmit a report from the Secretary of State, and the documents by which it was accompanied.

ANDREW JOHNSON.

WASHINGTON, *June 15, 1866.*

DEPARTMENT OF STATE,

Washington, June 15, 1866.

The Secretary of State, to whom was referred the resolution of the Senate of the 13th instant, requesting the President "to communicate to the Senate, if not incompatible with the public interest, any information in the possession of the executive government in regard to the departure of troops from Austria for Mexico," has the honor to lay before the President a copy of the correspondence specified in the accompanying list.

Respectfully submitted :

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

Mr. Motley to Mr. Seward, (extract,) No. 138.....	Dec. 18 1865.
Mr. Motley to Mr. Seward, No. 150.....	Feb. 27 1866.
Mr. Seward to Mr. Motley, No. 167.....	Mar. 19, 1866.
Mr. Seward to Mr. Motley, No. 169.....	Mar. 19, 1866.
Mr. Motley to Mr. Seward, No. 155.....	Mar. 27, 1866.
Mr. Seward to Mr. Motley, No. 173.....	Apr. 6, 1866.

Mr. Motley to Mr. Seward, No. 158.	Apr. 6, 1866.
Mr. Seward to Mr. Motley, No. 174.	Apr. 16, 1866.
Mr. Seward to Mr. Motley, No. 181.	Apr. 30, 1866.
Mr. Motley to Mr. Seward, No. 167.	May 1, 1866.
Mr. Seward to Mr. Motley, No. 182.	May 3, 1866.
Mr. Motley to Mr. Seward, No. 169.	May 6, 1866.
Mr. Motley to Count Mensdorff.	May 6, 1866.
Mr. Canisius to Mr. Seward, No. 57.	May 8, 1866.
Mr. Motley to Mr. Seward, No. 174.	May 15, 1866.
Mr. Motley to Mr. Seward, No. 177.	May 21, 1866.
Mr. Seward to Mr. Motley, No. 184.	May 26, 1866.
Mr. Seward to Mr. Motley, No. 185.	May 26, 1866.
Mr. Seward to Mr. Motley, No. 186.	May 30, 1866.
Mr. Seward to Mr. Motley, No. 189.	June 9, 1866.
Extracts from the <i>Debats</i>	May 18, 1866.
Mr. Bigelow to Mr. Seward, (extract,) No. 325.	May 25, 1866.
Mr. Seward to Mr. Bigelow, No. 469.	May 31, 1866.
Mr. Seward to Mr. Bigelow, No. 474.	June 4, 1866.
Mr. Seward to Mr. Bigelow, No. 476.	June 6, 1866.

Mr. Motley to Mr. Seward.

[Extract.]

No. 138.]

UNITED STATES LEGATION,
Vienna, December 18, 1865.

SIR: I think it proper to send you herewith appended, marked A, a translation of a paragraph recently published in the semi-official papers and in the official Gazette of Vienna in regard to the enlistment in Austria for Mexico.

* * * * *

I have the honor to remain your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

A.

Extract from the "General Correspondenz," and copied into the Vienna Gazette (official) of December 15, 1865.

[Translation.]

We have already taken occasion long ago to contradict in the most decisive manner the reports, apparently spread with design, in regard to pretended agreements for the sending of troops to Mexico on the part of Austria and the arrangements thereto appertaining.

Similar reports are once more willingly spread, and may have originated in an article of the *Patrie*, which paper pretended to know that movements of imperial royal Austrian troops and subaltern officers to Mexico were impending, a fact which undoubtedly would have the character of a sending of Austrian auxiliary troops.

The manner in which this news has lately, and particularly by the Paris cor-

respondent of the Cologne Gazette, been made use of against Austria, prompts us once more to refer to this affair, and to affirm in the most positive manner that these reports are nothing but inventions made for a purpose.

The truth in the whole question is limited to this, that it is proposed to permit such persons as have already fulfilled their military duty to Austria, but only such, to enlist in the Mexican service, in the same manner and with the same conditions as was the case when the last year's first enlistments for the Austrian-Mexican volunteer corps took place. The object of these newly permitted enlistments, as has already been explicitly stated, would only be to provide substitutes for the numerous vacancies in the Austrian volunteer corps serving in Mexico. The newly enlisted, like those who entered the volunteer corps in the year 1864, take the military oath to the emperor of Mexico, and pledge themselves to him for a six years' service. Their flag is not the Austrian, but the Mexican, and the power of Austria is in nowise engaged through them, or for them. Also, it is entirely false when the *Patrie* puts the number of those volunteers at 10,000 men; the latest enlistments in Austria for Mexico, concerning the permission for which negotiations are now in progress, would in any event not exceed yearly the total number of 2,000 men.

Whilst we are endeavoring to give a true and correct statement of this affair, we have to remark that no binding resolves have been taken in regard to this affair, but that, on the contrary, the negotiations on the subject have only just begun. But these may, however, very probably lead to the conclusion of a supplemental convention to the agreement entered into last year, of which the chief object was to place as securely as possible the rights of those enlisting, who, after all, remain at the same time Austrian subjects.

Mr. Motley to Mr. Seward.

No. 150.]

UNITED STATES LEGATION,

Vienna, February 27, 1866.

SIR: I think it is as well to state, referring to my confidential despatch No. 148, of date February 20, 1866, that I have been informed that efforts are making to induce the Austrian government to consent that 4,000 volunteers may be levied here this year for Mexico, on the ground that the supplementary article to the convention of Miramar permitted two thousand each year, and that none were forwarded in the year 1865.

I learn that this consent will probably be accorded, so that if the funds can be obtained for paying, equipping, and transporting them, 4,000 Austrian volunteers will be found and may be expected in Mexico this year. I believe that the funds have not yet been furnished.

I have the honor to remain, your obedient servant,

J. LOTHROP MOTLEY.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Seward to Mr. Motley.

No. 167.]

DEPARTMENT OF STATE,

Washington, March 19, 1866.

SIR: Mr. Bigelow informs me, by a despatch of the 15th of February, that he learned from an unofficial source that "Gregorio Barandiran, the diplomatic representative of the Archduke Maximilian, formerly secretary of legation under

Señor Robles at Washington, is now in Paris for money to fit out 10,000 Austrians, who, he says, are ready to embark from Triest for Mexico. The Mexican commissioner informed him that there was no money in his hands. I am not sure of learning the result of the minister's suit here, as the money, if furnished, must come through indirect and concealed channels."

You are instructed to inquire concerning the facts, and if they justify the report, to bring it to the knowledge of the Austrian government seasonably, and say that the United States cannot regard with unconcern a proceeding which would seem to bring Austria into an alliance with the invaders of Mexico, to subvert the domestic republic, and build up foreign imperial institutions.

It is hoped Austria will give us frank explanations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq , &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 169.]

DEPARTMENT OF STATE,

Washington, March 19, 1866.

SIR : I have your despatch of the 27th of February, No. 150, by which we learn that efforts are now made to induce the Austrian government to consent that 4,000 volunteers may be levied within that empire this year, for Mexico, on the ground that the supplementary article of the convention of Miramar permitted 2,000 each year, and that none were forwarded in the year 1865.

Upon this statement of facts you express the opinion that the consent desired will probably be accorded by the imperial government, so that if the funds can be obtained for paying, equipping and transporting 4,000 officers and volunteers, they will be found, and may be expected in Mexico this year. At the same time you state, that it is your opinion that the funds have not yet been furnished.

The case thus presented renders it proper that I should call your especial attention to my despatch No. 167, which bears the date of, and is sent forward, this day.

In preparing that despatch I anticipated the case substantially which your communication now presents. You cannot, while practicing the courtesy and respect which are due to the Austrian government, be either too earnest or too emphatic in the protest you have been directed to make.

In performing this duty, you may be assisted by information of the actual state of the question concerning French intervention in Mexico, at the present moment. With this view, I give you, confidentially, a copy of my note addressed to the Marquis de Montholon on the 12th day of February last. As yet, no reply has been received to this note, nor have its contents become public. You will, therefore, see the propriety of being discreet in such use of it as you may find it necessary to make.

After reading that paper you will be justified in saying that the American government and people would not be likely to be pleased with seeing Austria at this juncture assume the character of a protector to the foreign military power which, claiming the form of an empire, is attempted to be set up upon the supposed subverted foundations of the republic of Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., Vienna.

Mr. Motley to Mr. Seward.

No. 155.]

UNITED STATES LEGATION,
Vienna, March 27, 1866.

SIR: The military supplementary convention between that government of Mexico which is here recognized as the legitimate one and the Austrian government was signed on the 15th of this month.

As the nature and conditions of this agreement have already been fully stated in my despatches of January 8, February 20, and February 27, (Nos. 142, 148, and 150,) the matter can be no novelty to you, and there seems no necessity for repeating what has already been said.

It is expected that about 1,000 volunteers will be shipped very soon from Triest to Vera Cruz, and at least as many more in the autumn.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Motley.

No. 173.]

WASHINGTON, *April 6, 1866.*

SIR: An informal note has just been received from Mr. Bigelow, the United States minister at Paris. In this note Mr. Bigelow writes, in substance, as follows:

"The *Moniteur* of the 21st of March announces that a military convention was signed at Vienna on the 15th, between the Austrian government and the representative of Maximilian, supplementary to a convention of the same nature which had been previously concluded between the same parties.

"The purpose of this engagement, says the *Moniteur*, is to insure the enrolments necessary to keep full the Austrian corps in Mexico."

Mr. Bigelow further writes as follows:

"I have seen it stated in another journal that a line of steamers is to be started from Triest to Vera Cruz, to ply regularly after the 1st of April."

Again, Mr. Bigelow furnishes an extract from the *Paris Constitutionnel* of the 21st of March:

"We learn from the *Freudenblatt*, of Tienna, that the enlistment for Mexico will begin immediately; that the funds had been received from Paris two months since."

Your despatches of dates almost as late as that of Mr. Bigelow's note are silent upon the rumors which he brings to the notice of this government. It is possible that more authentic information which you may possess concerning the disposition and proceedings of the Austrian government may enable you to treat the matter mentioned by Mr. Bigelow with indifference.

Looking at the matter, however, from our point of observation, the rumors referred to are deemed sufficient to entitle us to ask a friendly and just exposition of the imperial royal government of the relations which it proposes to assume or maintain henceforth in regard to Mexico.

You are expected, therefore, to execute the instructions which have heretofore been sent to you to that effect; and it is thought proper that you should state that, in the event of hostilities being carried on hereafter in Mexico by Austrian subjects, under the command or with the sanction of the government of Vienna, the United States will feel themselves at liberty to regard those hostilities as constituting a state of war by Austria against the republic of Mexico; and in

regard to such war, waged at this time and under existing circumstances, the United States could not engage to remain as silent or neutral spectators.

The President may desire to call the attention of Congress to this interesting subject. You will see the importance, therefore, of obtaining the information which is desired as early as may be practicable consistently with the courtesies due to Austria as a friendly government.

Should you, however, find important reasons, now unknown to us, for deferring the execution of this instruction, you will be at liberty to exercise your discretion and report those reasons to us.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna*.

Mr. Motley to Mr. Seward.

No. 158.]

LEGATION OF THE UNITED STATES,

Vienna, April 6, 1866.

SIR: I had the honor to receive your No. 167, of date March 19. In this despatch it is stated that Mr. Bigelow informs you, under date of February 15, from an unofficial source, that "Gregorio Barandiran, the diplomatic representative of the Archduke Maximilian, formerly secretary of legation under Señor Robles, at Washington, is now in Paris for money to fit out 10,000 Austrians, which, he says, are ready to embark from Triest for Mexico. The Mexican commissioner informed him that there was no money in his hands. I am not sure of learning the result of the minister's suit here, as the money, if furnished, must come through indirect and concealed channels."

In consequence of this information furnished by Mr. Bigelow, you instruct me to "inquire concerning the facts, and, if they justify the report, to bring it to the knowledge of the Austrian government seasonably, and say that the United States cannot regard with unconcern a proceeding which would seem to bring Austria into alliance with the invaders of Mexico to subvert the domestic republic and build up foreign imperial institutions. It is hoped that Austria will give us frank explanations."

In reply, I have to observe that Mr. Bigelow, in a private note to me of the same date as his despatch above cited, mentioned this report of the "10,000 Austrians ready to embark at Triest for Mexico," but the story was so entirely at variance with everything well known to me here that I attributed very little importance to it. In order to make assurances more sure, however, I took pains instantly to verify the facts in the most exact and authentic manner. I learned, accordingly, that, instead of there being 10,000 Austrians at Triest, there was not one Austrian soldier ready to embark at that port, or at any other point in this empire.

This intelligence, from the most unquestionable source, was transmitted by me in a private note to Mr. Bigelow, but I confess that I did not consider it worth while to trouble you with a matter which seemed to be mere newspaper gossip. I felt that, so long as I was deemed worthy of my present post, you would feel confident that I should always furnish you with accurate intelligence as to important events occurring in Austria, and that the concentration and embarkation for Mexico of 10,000 Austrians at Triest were facts not likely to escape my notice.

You will doubtless remember that in my despatch of the 8th of January I stated, on official authority, that the Austrian government had consented that volunteers should be levied in this empire, from men who had fulfilled their

term of service in Austria, in numbers sufficient to keep full the original legion in Mexico of 6,000 men.

As the supplementary convention to that effect had not then been signed, it was not possible to give you more definite information.

Subsequently, on the 20th of February, I informed you that the supplementary articles permitted the levy of 2,000 men each year for a certain period; and on the 29th of February I added that, as no volunteers had been sent in 1865, it was now permitted to send two quotas of 2,000 men each during the year 1866.

I also stated that the equipping and transporting of these troops, and all other expenses, were to be defrayed by that government at Mexico which has been recognized here as the legitimate one, and not in any proportion by the Austrian government. As you have especially instructed me not to engage in official or political discussions on the Mexican subject with the government to which I am accredited, and as that injunction, to which I have repeatedly and very lately alluded in this correspondence, has never been removed, I should have thought myself violating my duty had I taken the responsibility of entering any protest on the part of the United States government against these proceedings.

My personal opinions in regard to this attempt, by means of foreign armies and navies, to set up a foreign empire on the ruins of an American republic, are perfectly well known here and at home.

What is of infinitely more importance, every government in Europe, that of Austria included, knows the position of the United States government, and is aware that it will never, so long as a foreign power occupies the territory and waters of Mexico with its military and naval forces, recognize the existence of an empire which that power has sought to establish, nor accept it as the creation of the Mexican national will.

But I am now somewhat embarrassed by the instructions contained in your despatch No. 167.

It seems to me that if I should intimate now (as instructed by you, on receiving the rumors contained in Mr. Bigelow's despatch) that "Austria is in alliance with the invaders of Mexico," and should express the hope that "she will give us frank explanations," I should appear to suggest that the imperial royal government had not hitherto been frank in her dealings on this subject.

Now, it is my duty to say that I believe the imperial government has been perfectly sincere, straightforward, and loyal towards the United States in this matter, and in every other, since I have had the honor of holding my present post.

There have been no concealments, as I firmly believe, as to her position, in regard to what is called here the Mexican empire.

It has been uniformly stated by the imperial government that it had nothing to do with the attempt to establish that empire; that it had neither a military nor mercantile navy, nor superfluous land forces, adequate to sustain, by force, the government which the Archduke Maximilian sought to establish in Mexico; that his acceptance or rejection of the offer made to him in 1863 was a matter which personally concerned only himself and his brother, the Emperor of Austria, and that the imperial royal government was in no alliance, direct or indirect, with the proposed new government of Mexico.

The Austrian government had allowed a certain number of volunteers to be raised for service in Mexico by the emperor's brother, a proceeding which would, of course, have been a violation of Austrian sovereignty, had it been done without permission.

What would have been the answer to a protest by the United States government against the original convention of Miramar granting that permission, or of

a similar protest to the supplementary convention signed here on the 15th of last March, I cannot tell.

I suppose, however, that if the United States government had permitted, or were now to permit, the republican government of Mexico, recognized by the United States as the legitimate one, to raise volunteers within the territory of the United States, in whatever numbers, the Austrian government would not consider itself authorized to protest against such a measure, or to resent it.

It would, I suppose, consider that a measure incident to the sovereignty of the United States, and whatever might be the effect produced upon the various belligerents in Mexico by such a step, Austria, as a neutral, would not be affected by it.

My embarrassment is somewhat increased by the perusal of your No. 169, bearing the same date (19th of March) as your No. 167, both reaching me under the same envelope.

In this later despatch, which acknowledges receipt of my No. 150, giving information that the supplementary convention thereafter to be signed would allow a double yearly quota, viz., 4,000 volunteers, to go to Mexico this year, on the ground that none were forwarded in the year 1865, you call my especial attention to your No. 167.

You observe that in preparing that despatch you anticipated the case substantially which my communication now presents. You instruct me further that while practicing the courtesy and respect which are due to the Austrian government, I cannot be either too earnest or too emphatic in the protest which I have been directed to make.

You further send for my guidance a copy of the note addressed to you by the Marquis de Montholon on the 12th of February, by which I learn the actual state of the question concerning French intervention in Mexico.

You also observe, that after reading that paper I shall be justified in saying that the "American government and people would not be likely to be pleased with seeing Austria at this juncture assume the character of a protector to the foreign military power which, claiming the form of an empire, is attempted to be set up upon the supposed subverted foundations of the republic of Mexico."

As a matter of fact, officially published here, only 1,000 volunteers are to go this summer. Whether this restriction is in order to avoid the unhealthy season in Vera Cruz, or because funds have not been provided for equipping and transporting a larger number, I know not.

As soon as the supplementary convention was signed last month, I instructed Mr. Thayer, United States consul at Triest, to send me accurate intelligence as to the number of troops, dates of sailing, and other particulars of interest in this connexion, so that you may rely upon my keeping you duly informed on the subject.

It is my anxious desire to perform my duty to the United States government with the utmost fidelity in this most serious affair. I think that if I could have the advantage of direct conversation with you I should easily convince you that there is no intention on the part of Austria to succeed the French government in the position of protector to the foreign military power which it is attempted to set up in Mexico, and that it would be difficult for the imperial royal government to disavow any such intention more frankly and loyally than it has uniformly done.

If your efforts to bring about the evacuation of Mexico by the French army are successful, I do not think that the Austrian volunteers in that country will be sufficiently numerous to prevent a free expression of the national will as to the form of government thenceforth to be adopted. I also consider it indisputable that, whatever be the result, the Austrian government will never deem itself either directly or by implication called upon to sustain the cause which those volunteers have endeavored to support.

After making these preliminary observations at no greater length, I trust, than is justified by the importance of the subject, I proceed to say that, in view of your decided and unequivocal instructions just received, I deem it, of course, my duty to break the official silence hitherto imposed upon me, and to bring the opinions of the United States government to the direct notice of the imperial royal government.

As, however, I consider frankness and sincerity the best rule in diplomacy, and especially on this occasion, I have decided to request the imperial royal minister for foreign affairs to read this despatch before I send it to you.

Should his excellency find in it any misstatements or wrong inferences, or if he should favor me with any suggestions or comments, I shall have the honor duly to notify you thereof in a subsequent despatch, probably by the same post that will take this one.

P. S.—The *Moniteur* of yesterday informs us as to the terms fixed for the evacuation of Mexico by the French army—whether to the satisfaction, or not, of the United States government I know not.

I have the honor to remain, sir, most respectfully, your very obedient servant,
J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Motley.

No. 174.]

DEPARTMENT OF STATE,

Washington, April 16, 1866.

SIR: I have had the honor to receive your despatch of the 27th of March, No. 155, which brings the important announcement that a treaty, called a "military supplementary convention," was ratified on the 15th of that month between the Emperor of Austria and the Prince Maximilian, who claims to be an emperor in Mexico.

You inform me that it is expected that about one thousand volunteers will be shipped (under this treaty) from Triest to Vera Cruz very soon, and that at least as many more will be shipped in the autumn.

I have heretofore given you the President's instructions to ask for explanations, and, conditionally, to inform the government of Austria that the despatch of military expeditions by Austria under such an arrangement as the one which seems now to have been consummated would be regarded with serious concern by the United States.

The subject has now been further considered in connexion with the official information thus recently received. The time seems to have arrived when the attitude of this government in relation to Mexican affairs should be once again frankly and distinctly made known to the Emperor of Austria, and all other powers whom it may directly concern. The United States, for reasons which seem to them to be just, and to have their foundation in the laws of nations, maintain that the domestic republican government with which they are in relations of friendly communication is the only legitimate government existing in Mexico; that a war has for a period of several years been waged against that republic by the government of France, which war began with a disclaimer of all political or dynastic designs; that that war has subsequently taken upon itself, and now distinctly wears, the character of an European intervention to overthrow that domestic republican government, and to erect in its stead a European imperial military despotism by military force. The United States, in view of the character of their own political institutions, their proximity and intimate relations towards Mexico, and their just influence in the political affairs of the

American continent, cannot consent to the accomplishment of that purpose by the means described. The United States have therefore addressed themselves, as they think, seasonably to the government of France, and have asked that its military forces, engaged in that objectionable political invasion, may desist from further intervention and be withdrawn from Mexico.

A copy of the last communication upon this subject, which was addressed by us to the government of France, is herewith transmitted for your special information. This paper will give you the true situation of the question. It will also enable you to satisfy the government of Vienna that the United States must be no less opposed to military intervention for political objects hereafter in Mexico by the government of Austria, than they are opposed to any further intervention of the same character in that country by France.

You will, therefore, at as early a day as may be convenient, bring the whole case, in a becoming manner, to the attention of the imperial royal government. You are authorized to state that the United States sincerely desire that Austria may find it just and expedient to come upon the same ground of non-intervention in Mexico which is maintained by the United States, and to which they have invited France.

You will communicate to us the answer of the Austrian government to this proposition.

This government could not but regard as a matter of serious concern the despatch of any troops from Austria for Mexico while the subject which you are thus directed to present to the Austrian government remains under consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., Vienna.

Mr. Seward to Mr. Motley.

No. 181.]

DEPARTMENT OF STATE,
Washington, April 30, 1866.

SIR: I have the honor to acknowledge the reception of your despatches of the 6th of April, No. 158, and the 10th of April, No. 159.

These papers inform me that you have brought my despatches Nos. 167 and 169 to the notice of the imperial government, although not without some hesitation and embarrassment. Subsequently to the time when that duty was performed you must have received my despatch of April 6, No. 173, my further despatch of April 16, No. 174, and also my confidential despatch of April 16, No. 176, all of which despatches relate to the situation of Mexico.

I trust that these several communications will have cleared away whatever uncertainty you may heretofore have felt concerning the views of this government in regard to that subject.

In your No. 158 you have assumed that this government could not justly regard as a departure from neutrality by the Austrian government the authority which it has given by entering into a recent treaty with the Prince Maximilian for the recruiting of volunteers by him in Austria and their despatch by him to Mexico.

In support of this assumption you argue that the United States would not be willing to admit that it would be a violation of neutrality on their part to permit the recruiting of volunteers within their jurisdiction for military service under the republican banner in Mexico.

Your assumption, and the argument upon which you built it, were submitted by you to Count Mensdorff, and it is not unlikely that he may have inferred that the assumption is consistent with the views which are entertained by the United

States, and would therefore be approved by them. It becomes necessary, for this reason, for me to say that I do not acquiesce in your position.

While any citizen of the United States is at liberty, under municipal and international laws, to expatriate himself unarmed, and to engage individually, when abroad, in any foreign service that he may choose, yet, on the other hand, the laws of the United States and the law of nations, as they are understood by us, forbid this government from authorizing or permitting the enlistment or organization on American ground, or the departure from our territory, of armed military forces to carry on hostilities against any foreign state, except in a war against that state duly declared by Congress.

The Prince Maximilian is either a principal or a subordinate belligerent in Mexico. The treaty which has been made between Austria and that belligerent, by which the former authorizes the organization within the Austrian dominions of two thousand or more volunteers, manifestly to be engaged in war against the republic of Mexico, is deemed by the government inconsistent with the principle of neutrality, and an engagement with Maximilian in his invasion of that republic.

I give you herewith a copy of a note which was received on the 21st of April instant, from the Marquis de Montholon, together with a copy of the despatch which was addressed to that minister by Mr. Drouyn de Lhuys on the 5th of April instant.

I give you also a copy of the reply which I have made to the note of the Marquis.

These several papers, together with my aforementioned despatches, which you will now have received, will put you fully in possession of the opinions of this government, and of the duty which it has called upon you to perform.

It will be an occasion of sincere satisfaction if you shall be able to obtain from the imperial government an assurance that Austria will not hereafter intervene, by sending or by giving permission to the despatch of military forces from within her dominions to make or continue a war against the republic of Mexico.

I refrain from discussing the question you have raised, "whether the recent instructions of this department harmonize entirely with the policy which it pursued at an earlier period of the European intervention in Mexico."

Your despatch is calculated to produce an impression that, notwithstanding our protest, you expect the Austrian government will still permit the departure of the volunteers under the treaty, without waiting to give us an answer to that protest, and without affording us time to consider and reply to such answer as that government shall see proper and convenient to make. Should the Austrian government insist upon proceeding in that manner, and to the extremity thus indicated, then this government will expect you to retire from Vienna, as directed in my aforesaid despatch No. 176.

I forbear also from discussing the question which you have raised of the propriety of some of the proceedings which have been taken by Mr. Bigelow in Paris, nor do I think it necessary to enter upon the consideration of the explanations which you have given of your own views in regard to these subjects.

The European war against the republic of Mexico has been from the beginning a continual menace against this government, and even against free institutions throughout the American continent. I feel very sure that no friend of such institutions, either at home or abroad, will ever well question the necessity, the wisdom, or the justice of the policy which we have steadily pursued and are still pursuing in regard to that war. It would be unprofitable for us, under such circumstances, to open personal discussions about that policy among ourselves.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna*.

Mr. Motley to Mr. Seward.

No. 167.]

UNITED STATES LEGATION,
Vienna, May 1, 1866.

SIR: Many of the Vienna papers of last week published the following paragraphs, which I have reason to believe accurate:

"The shipment of the newly levied recruits for the Austrian volunteer corps in Mexico is fixed for the 15th May.

"According to an advertisement fastened to the council-house door, the last enlistments for Mexico take place on the 27th, 28th, and 30th April. As hand-money, 25, 30, and 35 florins are offered. According to telegraphic accounts received to-day at the war department, from the various districts, the recruiting for the Mexican volunteer corps is taking a favorable course. The greater part of the newly enlisted men have already arrived at the head depot in Laybach, and are fully uniformed.

"Some of them have received a furlough until the moment of sailing, and are seen in their new uniforms in Vienna.

"The number levied in Vienna, and in the provinces, up to yesterday, (26th April,) is 850 men."

I have as yet received no notification from Mr. Thayer, at Triest, of the arrival of any of these volunteers in that city.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Motley.

No. 182.]

DEPARTMENT OF STATE,
Washington, May 3, 1866.

SIR: Your confidential despatch of the 17th of April, No. 161, has been received.

It is a matter of some relief that only so small a number of volunteers as six hundred have been gathered at Laybach, with a view to shipment from Triest for Vera Cruz, and that the recruiting for that service is becoming very languid. It is to be hoped that a scheme obviously so unpopular in Austria will not be persisted in by the Emperor. My late communications leave no necessity for dwelling upon the subject at the present moment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., Vienna.

Mr. Motley to Mr. Seward.

No. 169.]

UNITED STATES LEGATION,
Vienna, May 6, 1866.

SIR: I have the honor to acknowledge the receipt of your Nos. 173, 174, 175, and your 176, marked confidential, of dates April 6 and April 16, respectively, all reaching me under the same envelope on May 3, in the evening. No. 175 is in answer to my 156, and relates to the affairs of Austria and Prussia.

No. 173 contains certain extracts from Paris journals, and translations in Paris journals from Vienna newspapers, sent to you by Mr. Bigelow, United

States minister in Paris. Such intelligence as was accurate in those extracts has already been indicated by me in advance from authentic sources in my despatches of January 8, February 20, and February 27.

The permission of the so-called imperial government in Mexico to levy troops to supply vacancies in the volunteer corps raised in this empire in 1864, was accorded in the beginning of this year, and mentioned in my despatch of 8th January. Of the signature of the supplementary convention I have subsequently apprised you. The statement that a line of steamers was to be started between Triest and Vera Cruz, to begin to ply on April 1, has, I believe, no foundation in fact.

I have understood that Mr. Loosey, Austrian consul general at New York, has long had the project of starting a line of steamers between Triest and New York, and that latterly there had been some hope of causing such steamers to stop at Vera Cruz, but I have ascertained that the project has been for the present, at least, abandoned.

I sent this information to Mr. Bigelow, in reply to his inquiry made some five or six weeks ago.

The remainder of your No. 173 I shall have the honor to answer in connexion with your Nos. 174 and 176, in a separate despatch, which will go by the same post, as does the present one.

Meantime I have the honor to remain, very respectfully, your obedient servant,
J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Motley to Count Mensdorff.

LEGATION OF THE UNITED STATES OF AMERICA,
Vienna, May 6, 1866.

YOUR EXCELLENCY: It will be doubtless within your recollection, that on the 7th of April I had the honor to lay before you, for confidential perusal, a despatch of my own to Mr. Seward, Secretary of State of the United States.

This paper was in answer to a communication from the Secretary of State, instructing me to make as earnest and emphatic protest as was compatible with the profound respect entertained by the United States for the imperial royal government against the departure of any additional soldiers from Austria for Mexico.

The language of the protest which I was thus instructed to make was quoted at length in the despatch which I had the honor of submitting to your perusal before sending it to Washington. In returning that despatch, I understood your excellency to observe that it contained a just and explicit statement of the position of the Austrian government in regard to the affairs of Mexico, and that you had no further observations to make upon it.

Since forwarding that paper to Washington, I have received despatches of a grave nature from my government in regard to the same subject.

These despatches are not, of course, in answer to my communication above mentioned. For this, sufficient time has not yet elapsed.

The instructions just received by me from Mr. Seward are in answer to my statement to him, under date of 27th March last, that the military supplementary convention between the Austrian government and the government of Mexico, recognized here as the legitimate one, had been signed on the 11th March, and that it was expected that about one thousand volunteers would be shipped very soon from Triest to Vera Cruz, and at least as many more in the autumn.

An imperative duty is now placed upon me of again most respectfully calling your excellency's attention to the general and growing uneasiness throughout the United States on the subject of foreign troops in Mexico. In so doing, I

wish to use the most courteous and becoming terms that are consistent with a faithful execution of the task just committed to me by my government.

Recognizing the right of one independent nation, for reasons deemed sufficient by itself, to make war upon another independent nation, and not feeling called upon to be a judge of the quarrel between the belligerents, the United States have scrupulously maintained neutrality in the war existing during the past few years between the empire of France and the republic of Mexico, with which power the United States government has not ceased to maintain friendly relations.

This preservation of neutrality has been rendered the more difficult in proportion to the growth of the conviction among the people of the United States that the war begun by France for the purpose of redressing grievances, and with a disclaimer of all political intentions on the part of France, was continued, as it were, indefinitely for the purpose of establishing and perpetuating on the borders of our own territory a foreign imperial government by means of European troops.

It is hoped that at last an arrangement has been effected by which the French troops, heretofore preventing a free expression of the national will in Mexico, are to be withdrawn.

The appearance of fresh troops arriving from Austria at exactly this moment, therefore, would almost inevitably increase the general excitement in the United States which the recent understanding with the French government had begun to allay.

It would be thought erroneous, as such a supposition really is, that the government of Austria was about to succeed that of France in an armed and protective alliance with the new government which it wishes to see established in Mexico.

A thousand volunteers, many of them, perhaps, veterans, having served their time in the Austrian army, will be regarded as the precursors of an indefinite number sufficient to supply the void left by the retiring French forces, and to overawe for a period of years the free action of the Mexican people in regard to their form of government.

The United States government has from the beginning neither acquiesced in nor intimated the possibility of a future acquiescence in the substitution of an imperial foreign and military government in the place of the national republic of Mexico, unless it should satisfy itself that such was unquestionably the will of the Mexican people.

That will, in the opinion of the United States government, can never be manifested in the presence of foreign fleets and armies. It has, therefore, during its very protracted diplomatic correspondence with the French imperial government, been unable to admit the validity of the revolution supposed to have been effected in the government of Mexico chiefly by the means of European forces.

In its last note addressed to the French government it expressed itself as understanding the Emperor of the French to announce to the United States his immediate purpose to bring to an end the services of his armies in Mexico, to withdraw them and in good faith to fall back, without stipulation or condition on the part of the United States, upon the principle of non-intervention, as to which he is henceforth agreed with the United States.

The practice of the United States government, says the Secretary of State, is from its beginning a guarantee to all nations of the respect of the American people for the free sovereignty of the people in every other state. It is the chief element of foreign intercourse in our history.

Thus much of information I have thought it not superfluous to give of the latest expression by the United States government to that of France of its sentiments in regard to the affairs of Mexico.

I am now instructed to say to the imperial royal government of Austria, that,

in the opinion of the United States, the time seems to have arrived when the position of their government in relation to Mexico should be frankly and distinctly made known to the imperial government, and to all others whom it may directly concern.

The United States, for reasons which seem to them to be just and to have their foundation in the laws of nations, maintain that the domestic republican government is the only legitimate one existing in Mexico. They cannot, in view of the character of their own political institutions, their proximity and intimate relations towards Mexico, and their just influence in the affairs of the American continent, consent to the subversion of that government by foreign armies. Having urged upon the French government their strong and, as they think, reasonable desire for the withdrawal of the French troops engaged in that objectionable invasion, it now becomes proper for the United States to announce that they are no less opposed to military intervention for political objects hereafter in Mexico with the sanction of the Austrian government than they are opposed to any further intervention of the same character in that country by France.

I am accordingly instructed to state that the United States sincerely desire that Austria may find it just and expedient to come upon the grounds of non-intervention in Mexico which is maintained by the United States, and to which they have invited France. They could not but regard as a matter of serious concern the despatch of any troops from Austria for Mexico while the subject which I am thus directed to present to the Austrian government remains under consideration.

I have now faithfully laid before your excellency, as briefly as the importance of the subject would permit, the position of the United States in regard to Mexico.

Until recently I have been instructed by my government to abstain from formal political discussions here of the important events occurring in that country. On repeated occasions, however, I have felt it appropriate to express in courteous language, without formality, but in all sincerity, the opinions of the United States government and people as to the attempt to establish a foreign and imperial government by means of European military forces upon the ruins of an American republic.

Those opinions have been no secret to those with whom I have had the honor of conversing, but it is only now that I am instructed by my government to speak in its name, and with the whole weight of whatever influence it may be thought to possess over the general sentiment of the world. There has been no doubt, I suppose, as to the almost unanimous opinion of the American people on the subject.

From time to time it has been my duty to place before the imperial royal government documents, emanating from the cabinet at Washington, relating to the affairs of Mexico. The diplomatic correspondence of the United States government with that of France, from the beginning of the hostile expeditions against Mexico down to a very recent period, has been regularly printed, and is within the reach of all who wish to read it.

Public sentiment in the United States as to intervention on the part of European governments and soldiers for the purpose of revolutionizing the polity, subverting the existing institutions, and controlling the destiny of American republics, has been manifested in every way in which it was possible to make it known, by solemn resolutions of Congress, by the utterances of great public meetings without distinction of party, and by the general voice of the American press.

The feelings of the American people and its successive governments, as exhibited through the whole of their national career, and publicly manifested on many solemn occasions, in regard to forcible and armed interference by European powers with established institutions on the western continent, are, whether they

may be deemed reasonable or not, and whatever weight may be attached to them by European opinion, a matter of history and known to mankind.

Such interference was long ago proclaimed, on the highest official authority, as of necessity to be considered a manifestation of an unfriendly disposition towards the United States. It is hardly expedient, therefore, on this occasion, to consume more of your excellency's time by the exposition of a subject so familiar to you.

I beg your excellency to believe that the frankness and sincerity with which I have thus set forth, in obedience to the instructions of the President, the sentiments of the government which I have the honor to represent at the court of his Imperial Royal Majesty, are not incompatible with the most entire respect for the imperial royal government and with the Austrian nation, and with the warmest and most sincere desire for their welfare.

In conclusion, I feel it my duty, in this most grave aspect of affairs, to repeat the earnest hope that it may not be found expedient to postpone the departure of fresh troops from Austria to Mexico until such answer to this communication as your excellency may be pleased to make shall have been candidly and deliberately considered by the United States government at Washington.

Meantime I pray your excellency to accept the expression of the highest consideration with which I have the honor to remain your excellency's very obedient servant,

J. LOTHROP MOTLEY.

His Excellency COUNT MENSENDORFF,

Imperial Royal Minister of Foreign Affairs, &c., &c., &c.

Mr. Canisius to Mr. Seward.

[Extracts.]

No. 57.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Vienna, May 8, 1866.

SIR: * * * * * The news received here per telegraph that you have demanded of Austria the discontinuation of sending any more volunteers to Maximilian, of Mexico, has created here quite a sensation. The people of Austria feel now, in their distress, more than ever, that this enterprise of Maximilian, and the subsequent agreement made by this government to aid him by sending soldiers to that distant country, of no value to the people of this empire, was a great mistake.

I found in this morning's paper the following item:

[Translation.]

"LAYBACH, (near Triest,) *May 5.*

"*The Mexican free corps.*—The recruiting for the Mexican free corps will definitely be closed to-day. All the recruits have to be ready on the 8th of this month at the principal depot at Laybach, as the embarkation commences in Triest on the 10th instant. The Mexican Colonel Leisser will personally attend to the embarkation."

What the Austrian government will decide now, after your protest, will soon be seen, as the embarkation was to take place on the 10th of this month.

I have the honor to be, very respectfully, your obedient servant,

T. CANISIUS,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Motley to Mr. Seward.

No. 174.]

LEGATION OF THE UNITED STATES,
Vienna, May 15, 1866.

SIR: Referring to my No. 173, of date May 12, I have the honor to state that I have received no answer as yet to my note to Count Mensdorff, of May 6, a copy of which was enclosed in my No. 170, of date May 8.

As I have already been informed officially, but confidentially, that the departure of the volunteers for Mexico has been prevented, (information which I immediately conveyed to you in my above-mentioned No. 173,) this delay has nothing in it surprising.

On the eve of a tremendous war, such as this, in which all Germany is almost immediately to be plunged, it is natural that there should be great press of business at the imperial royal foreign office. I have reason to suppose, moreover, that a desire on the part of the imperial royal government to know what reply you may be pleased to make to my despatch No. 158, confidentially communicated to the imperial royal minister of foreign affairs before it was forwarded to Washington, may, in part, account for the delay. I have, of course, not intimated that there was the slightest probability of any change having been effected in the emphatic opposition on the part of the United States government to the sending of volunteers from Austria to Mexico. On the other hand, I think that you may consider it certain, as a matter of fact, that no soldiers will sail again from Austria to Mexico.

I shall be glad to be informed officially of the state of the negotiations between the United States government and that of France.

From the American newspapers I gather that the decree of the French Emperor concerning the evacuation of Mexico had been communicated to the United States government.

I know not whether the United States government has expressed its concurrence with that decision.

My latest authentic intelligence as to the negotiations with France is contained in your note to the Marquis de Montholon of February 12.

I would also observe, in passing, that the two last published volumes of the diplomatic correspondence, parts 3 and 4, for the year 1864, containing the correspondence with France and all other countries excepting England, has never been sent to me.

Happening to be in London at the close of last year, however, I procured a copy at the United States legation.

I think it not superfluous to state that, according to information received from Mr. Thayer, United States consul at Triest, the transport in which the volunteers were to have been conveyed from that port to Mexico was the French merchant ship Tampico.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Motley to Mr. Seward.

No. 177.]

UNITED STATES LEGATION,
Vienna, May 21, 1866.

SIR: I have the honor to state that I have just received a note from Count Mensdorff, in answer to my note of date May 6, a copy of which was forwarded with my despatch No. 170, of date May 8.

Ex. Doc. 54—2

I have prepared a careful translation of the minister's note, which, together with a copy of the original, I transmit with this despatch.

I cannot doubt that both the contents and friendly spirit of this communication from the imperial royal government will give sincere satisfaction to the United States government.

I have the honor to remain, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. WILLIAM H. SEWARD, *Secretary of State*.

Count Mensdorff to Mr. Motley.

[Translation.]

MINISTRY OF THE IMPERIAL HOUSE AND OF FOREIGN AFFAIRS.

Vienna, May 20, 1866.

The undersigned, minister of the imperial house and of foreign affairs, has had the honor to receive the note which the Hon. Mr. Lothrop Motley, envoy extraordinary and minister plenipotentiary of the United States of North America, addressed to him on the 6th of the current month, in which expression is given to the representations which his government has seen itself called upon to make in regard to the volunteers enlisted in the Austrian states for military service in Mexico.

The undersigned has already had repeated occasions to give verbal explanations to the envoy of the United States concerning the nature and extent of the enrolments in question which have taken place in very limited measures, both as to numbers and period of enlistment—explanations which were intended to remove every doubt which could have arisen in the eyes of the government of the United States in regard to the intentions of Austria in this matter. As, however, it appears from the latest communications of the envoy that the said explanations have not hitherto had the effect to entirely tranquillize the North American government in this respect, as that government feels obliged to see in the enlistments in question an exertion of influence on the part of Austria in the internal affairs of Mexico which might become a motive for the United States to come out of the neutral position which it has hitherto maintained in regard to those affairs; as, finally, according to the observation contained in the note of Mr. Lothrop Motley, the exertion of an influence of the above-mentioned character would be regarded as well by the government as by public opinion in the United States as an unfriendly proceeding towards them, which would be entirely out of harmony with the intentions of the imperial government, the undersigned finds himself in the position, without, therefore, being able to agree with all the views developed in the many-times cited note, to make known to the envoy that, in consideration of all the above-mentioned circumstances, the necessary measures have been taken to prevent the departure of the volunteers lately enlisted for Mexico.

In the confident expectation that the cabinet at Washington will feel itself on this account the more induced to allow no change to take place in the neutral position hitherto maintained by it towards Mexico, and that the government of the United States will recognize in this proceeding of the imperial cabinet a new proof of its sincere wish to remove everything that might be capable of exercising a prejudicial influence upon the relations between the two countries, the undersigned makes use of this occasion to renew to the honorable Mr. Lothrop Motley the assurance of his high and distinguished consideration.

MENSENDORFF.

Mr. LOTHROP MOTLEY,

Envoy Extraordinary and Minister Plenipotentiary, U. S. A.

Mr. Seward to Mr. Motley.

No. 184.]

DEPARTMENT OF STATE,

Washington, May 26, 1866.

SIR: Your despatch of May 6, No. 169, has been received, and I thank you for the information which it communicates concerning the relations between Austria and Mexico.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna.**Mr. Seward to Mr. Motley.*

No. 185.]

DEPARTMENT OF STATE,

Washington, May 26, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th instant, No. 170, which paper is accompanied by a copy of a note which, on the 6th instant, you addressed to Count Mensdorff in execution of my instructions Nos. 173, 174, and 176.

I have great pleasure in saying that the President approves entirely of the proceedings on your part, which are related in your despatch, and equally approves of your note to the Austrian minister for foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna.**Mr. Seward to Mr. Motley.*

No. 186.]

DEPARTMENT OF STATE,

Washington, May 30, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 15th instant, No. 174. In that paper I find the following paragraphs:

"As I have already been informed, officially, but confidentially, that the departure of the volunteers for Mexico has been prevented, (information which I immediately conveyed to you in my above-mentioned No. 173,) this delay has nothing in it surprising.

* * * * *

"I think that you may consider it certain, as a matter of fact, that no soldiers will sail from Austria to Mexico."

Your No. 173, referred to in the first paragraph, has not yet reached this department. The paragraphs extracted, however, are sufficient to satisfy the President that our wishes in regard to the Mexican question are receiving just consideration by the imperial royal government.

If it shall seem to you to be expedient, you will say this to Count Mensdorff, and at the same time express to him our earnest and sincere wishes to remain always in peace and cordial friendship with Austria.

In compliance with your request, I send herewith, for your information, a copy of so much of the correspondence with France concerning Mexico as has not heretofore been furnished you.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna.*

Mr. Seward to Mr. Motley.

No. 189.]

DEPARTMENT OF STATE,

Washington, June 9, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of the 21st of May, No. 177. It is accompanied by a copy of a note which was addressed to you by Count Mensdorff on the 20th of May last.

Count Mensdorff announces to us in the said note that the departure of the volunteers lately enlisted in Austria for service in Mexico will not be allowed to take place. This decision of the imperial royal government is received by the President with sincere satisfaction. It is in harmony with the spirit which has governed the proceedings of Austria in her intercourse with the United States throughout the whole period in which political disturbances in America have been the subject of discussion between the United States and the Emperor.

You are authorized to communicate these sentiments to Count Mensdorff, and to assure him that the present just, liberal, and friendly proceeding on the part of Austria will not fail to enhance the good will and cordial friendship which the United States so habitually cherish for the government and people of Austria.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq., &c., &c., *Vienna.*

[From the Debats of the 18th May, 1866.—Forwarded by Mr. Bigelow.]

[Translation.]

We have good reason to call in question the news of the departure of Austrian volunteers for Mexico, published in the Memorial Diplomatique. Nothing, in fact, could be more unlikely after the despatches from the government of the United States which we have laid before our readers. Correspondents at Triest announce not merely that the Austro-Mexican detachment has not embarked, but that it will be disbanded, and that the men who compose it have for the most part requested to take service in the corps of volunteers which is organizing in view of the approaching war. The Austrian government (they write from Triest) was under the greater obligation not to withdraw its forces from the service of the country, because it at the same time avoided assuming an offensive attitude toward the United States of America. Thus our own previous impressions are confirmed, notwithstanding the pretended information of the Memorial Diplomatique.

Mr. Bigelow to Mr. Seward.

[Extract.]

No. 325.]

LEGATION OF THE UNITED STATES,

Paris, May 25, 1866.

SIR: The following semi-official announcement appeared in *La France* last evening: "The return to France of Marshal Bazaine with the first detachment returning from Mexico is under consideration. In this case the marshal will turn over his command to General Douai."

Should nothing occur to change the present programme, I think Marshal Bazaine will return with the first detachment of French troops in October next. I am told that the contract with the Transatlantic Steamship Company, for their transport from Vera Cruz to St. Nazaire, was signed on Monday last.

I have as yet received no reply from Mr. Drouyn de Lhuys to my inquiry in reference to the contract supposed to have been signed at the ministry of marine for the shipment of troops from Triest to Vera Cruz. His silence leaves little room to doubt that my suspicions were correct.

* * * * *

I have, &c.,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Bigelow.

No. 469.]

DEPARTMENT OF STATE,
Washington, May 31, 1866.

SIR: I have to acknowledge the receipt of your despatch of the 16th instant, No. 320, containing a translation from La France of the 15th, in regard to the disposition of Austrian troops which had been intended for the service of the imperialists in Mexico, and enclosing translation of extracts from the Memorial Diplomatique and the Debats, relating to this and other branches of the Mexican question.

I enclose, confidentially, for your information, a copy of an instruction of this date, which I have addressed to Mr. Motley.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 474.]

DEPARTMENT OF STATE,
Washington, June 4, 1866.

SIR: Your despatch of the 10th ultimo, No. 316, was duly received. The position which you inform me therein that you propose to take in regard to the forwarding of troops to Mexico is approved. Thanking you for your attention to the subject,

I remain, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

Mr. Seward to Mr. Bigelow.

No. 476.]

DEPARTMENT OF STATE,
Washington, June 6, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch of May 25, No. 325.

The information which it contains seems to justify us in assuming that the French government has made arrangements for withdrawing one-third of its forces now in Mexico, from that country, in October. The knowledge of this fact will have a tendency to quiet the public mind in the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN BIGELOW, Esq., &c., &c., &c.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 25th ultimo, information touching the transactions of the executive branch of the government respecting the transportation, settlement, and colonization of persons of the African race.

JUNE 18, 1866.—Read, ordered to lie on the table and be printed.

To the Senate:

I communicate, herewith, a report from the Acting Secretary of the Interior, furnishing, as requested by a resolution of the Senate of the 25th ultimo, information touching the transactions of the executive branch of the government respecting the transportation, settlement, and colonization of persons of the African race.

ANDREW JOHNSON.

WASHINGTON, D. C., June 16, 1866.

DEPARTMENT OF THE INTERIOR,
Washington, June 15, 1866.

SIR: On the 26th ultimo you referred to this department, for report, a resolution of the Senate of the 25th, in the following words, viz:

“Resolved, That the President be requested to communicate to the Senate the transactions of the executive government under the several acts of Congress of April 10, 1862, May 12, 1862, and July 17, 1862, for the transportation, colonization, and settlement of such persons of the African race as are mentioned in those acts respectively, and especially what colonization measures have been adopted, if any, the number of persons colonized, with expenses incurred.”

Premising that no acts of Congress were approved on the 10th of April and 12th of May, 1862, and that the first two acts alluded to in the resolution are presumed to be those approved April 16 and June 7, 1862, (Statutes at Large, vol. xii, 378 and 425,) which contain enactments on the subject of colonization, I have the honor to state that on the 7th of March, 1864, a report was made to the President from this department to enable him to comply with a request from the Committee on Territories of the Senate for information as to how much of the fund appropriated by the thirty-seventh Congress for colonization purposes had been paid out, to whom, and for what purpose. I have the honor to submit to you, herewith, a copy of that report, which shows that up to that date the

sum of \$33,226 97 had been drawn from the treasury for colonization purposes, and a supplemental statement showing the sums which have been subsequently expended, the whole amount being, up to the present time, \$37,391 33.

On the 11th of March, 1864, another report was made to the President, in answer to a resolution of the Senate of the 29th of the preceding January, asking whether any portion of the appropriations for the colonization of persons of African descent then residing in the District of Columbia to Hayti, Liberia, and so forth, had been expended, and what steps had been taken to execute the provisions of the acts of Congress relating to the colonization of persons of African descent. That report was accompanied by copies of all the contracts which had been made and the entire correspondence of the department on the subject. I have the honor to send you herewith a copy of that report also, and of the correspondence which has since been had by the department in relation to the colonization of persons of African descent.

The accompanying papers, together with those heretofore communicated to the Senate, exhibit, it is believed, the entire action of this department on the subject of the present inquiry.

The acts of 1862, providing for the colonization of persons of African descent beyond the limits of the United States, having been repealed by the seventh section of the act entitled "An act making appropriations for sundry civil expenses of the government for the year ending the thirtieth of June, eighteen hundred and sixty-five, and for other purposes," approved July 2, 1864, (Acts 1st Session 38th Congress, page 352,) no measures have since been adopted and no steps taken by this department looking to that result.

I have the honor to be, with great respect, your obedient servant,

W. T. OTTO, *Acting Secretary.*

The PRESIDENT.

1864.

March 7.	To amount, as per statement rendered.....	\$33, 226 97
Feb. 10.	To H. Kilbourne, for travelling expenses to New York and return.....	\$61 40
Mar. 22.	To D. C. Donohue, amount advanced by Peter Lammond, and with which he is to be charged on the books of the Treasury Department.	150 00
Mar. 23.	To Alexander Hull, for services as clerk....	95 60
Mar. 26.	To D. C. Donohue, amount advanced by Peter Lammond, disbursing clerk, and with which said Donohue is to be charged on the books of the Treasury Department.....	200 00
Mar. 26.	To Burnett, Drake & Co., Boston, Massachusetts, holders of a draft drawn by D. C. Donohue, special agent, at Aux Cayes, February 6, 1864....	203 10
Mar. 26.	To Wilson & Cammann, New York, holders of a draft drawn by D. C. Donohue, as above, March 2, 1864.....	877 05
April 5.	To J. J. Lewis, Commissioner of Internal Revenue, being amount of tax retained on salary of D. C. Donohue, special agent.....	57 62
May 19.	To Burrett, Drake & Co., Boston, Massachusetts, being a loss in exchange on the draft of D. C. Donohue, drawn February 6, 1864. (This amount should have been paid in gold, but was paid by the Secretary of the Treasury in currency.....	144 20

May 19.	To Wilson & Cammann, New York, being a loss in exchange in drafts drawn by D. C. Donohue	\$734 80	
May 19.	To Peter Lammond, attorney for D. C. Donohue, being a balance found due said Donohue as special agent	1,740 59	
June 30.	To James Mitchell, for his services from January 1 to June 30, 1864	900 00	
			\$4,164 36
			37,391 33

DEPARTMENT OF THE INTERIOR,
Washington, March 7, 1864.

SIR: I have the honor to return herewith the letter of Hon. Benjamin F. Wade, chairman of the Committee on Territories in the Senate, requesting to be informed how much of the fund appropriated by the thirty-seventh Congress for colonization purposes had been paid out, for what purpose, and to whom, which you referred to this department for report, and to state that, as the accounts of all the persons to whom money was advanced for colonization purposes have not yet been finally settled at the treasury, I am not able at the present time to state the exact amount actually expended. The total amount drawn from the treasury up to the present time is \$33,226 97. It was paid or advanced to the following named persons and for the objects therein stated:

Amount paid to John D. Defrees, Superintendent of Public Printing, for binding in paper 5,000 copies "White and African Races" ..	\$127 50
Amount paid Green & Williams for six cane-seat chairs	12 00
Amount advanced Hon. S. C. Pomeroy, special agent for colonization in Central America	25,000 00
Amount paid to Watt J. Smith, for travelling expenses to New York and back	52 00
Amount paid to John P. Usher, for travelling expenses to New York and back, and for advance made to agent sent to the east to obtain information in relation to colonization	152 40
Amount paid James Mitchell, for clerical services of W. B. Smith and Thomas R. Smith, for services of Rev. A. Bernar, (colored minister,) and for advance to J. E. Williams, colored, agent of A. W. Thompson	112 00
Amount advanced Rev. R. R. Gurley, corresponding secretary of the American Colonization Society, to aid the Rev. Chauncey Leonard, pastor of the First Baptist church in Washington city, in visiting Liberia, with reference to the establishment of a colony on the St. John river	200 00
Amount paid Augustus A. Smith, as clerk	18 33
Amount paid James Mitchell, for office furniture, and for services of J. W. Menard in emigration office	60 00
Amount paid J. W. Menard, for services as clerk in emigration office ..	50 00
Amount paid Augustus A. Smith, for services as clerk	100 00
Amount paid J. W. Fitzhugh, for furniture for emigration office	326 15
Amount paid James Mitchell to 31st December, 1863, as agent of emigration	2,838 46

Amount advanced to D. C. Donohue, to defray his expenses as special agent to Ile à Vache	\$300 00
Amount paid Cronin, Hexthal & Sears, for clothing purchased and sent to colonists at Ile à Vache.....	900 00
Amount paid Hexthal & Barnum for clothing purchased and sent to colonists at Ile à Vache.....	1, 786 33
Amount paid American Colonization Society for passage for J. W. Menard to Liberia.....	95 00
Amount paid American Colonization Society for passage, &c., to Liberia of three colored emigrants from the District of Columbia.	285 00
Amount paid Wilson & Cammann for draft of D. C. Donohue, special agent.....	750 00
Amount paid Hallet & Kilbourne for travelling expenses to New York, as special agent to purchase clothing for the relief of the colonists at Ile à Vache.....	61 40
Making in all	33, 226 97

It is proper that I should state that the claim of Messrs. Forbes and Tuckerman for transporting a number of emigrants to Ile à Vache is not yet liquidated, and that the colonization fund is also liable for the expenses which have been incurred by the special agent sent by the government to Ile à Vache to look into and report upon the condition of the colonists there. The agent has not yet returned, and consequently the expenses incurred by him cannot be ascertained.

It is also liable for the expenses of the vessel sent out to return the colonists to the United States.

With great respect, your obedient servant,

J. P. USHER, *Secretary.*

The PRESIDENT of the United States.

DEPARTMENT OF THE INTERIOR,

Washington, March 11, 1864.

SIR: On the 29th of January you referred to this department for report a resolution of the Senate of the 28th, which is in the following words:

"Resolved, That the President be requested to inform the Senate, if not, in his opinion, incompatible with the public interest, whether any portion of the appropriations for the colonization of persons of African descent now residing in the District of Columbia to Hayti, Liberia, &c., has been expended, and what steps have been taken to execute the provisions of the acts of Congress relating to the colonization of persons of African descent."

I have accordingly the honor to state that, with your approbation, an agreement was entered into with Ambrose W. Thompson on the 12th of September, 1862, for the settlement, by free emigrants from the United States, of a certain tract of country within the republic of New Granada, extending across the isthmus from the Chiriqui lagoon, on the Atlantic, to the Pacific side. The Hon. Samuel C. Pomeroy voluntarily offered, without compensation, to accompany the emigrants and assist in the initiation of the enterprise, which offer was accepted. The sum of twenty-five thousand dollars was advanced to him from the colonization fund for the purchase of supplies, &c., and he at once set about making the necessary arrangements for the expedition. It soon became known, however, that serious opposition to the movement existed on the part of some of the Central American States, and on the 7th of October, 1862, Mr. Pomeroy

was duly notified of your determination to suspend all proceedings looking to the establishment of a colony of free colored persons in any part of Central America until the express consent of its governments, whether *de facto* or *de jure*, should have been formally obtained and officially made known by such governments themselves to the government of the United States.

On the 6th day of April, 1863, another agreement was, with your approbation, entered into with Messrs. Paul S. Forbes and Charles H. Tuckerman, of New York, for the colonization of Ile à Vache, within the republic of Hayti; and, pursuant thereto, between four and five hundred emigrants were immediately transported thither from the vicinity of Fortress Monroe. This enterprise, however, proved disastrous, and it was finally determined to return the emigrants to the United States, and their arrival is now momentarily expected.

The outlays and expenditures which have been made in these and other efforts to execute the acts of Congress relating to the colonization of persons of African descent, so far as they can now be definitely ascertained and set forth, are stated in the report which I had the honor to make to you on the 7th instant, in reply to an inquiry which had been addressed to you by the Committee on Territories in the Senate, a copy of which will be found among the accompanying papers.

The great importance which has hitherto been attached to the separation of the races, and the colonization of persons of African descent beyond the limits of the United States, and the widespread interest felt in the efforts which have been made in that direction, have determined me to lay before you the entire correspondence on the subject, which you will find herewith.

But little disposition, so far as the department is advised, has yet been manifested by the freedmen of the United States to leave the land of their nativity. I doubt if it be any just cause of regret. Time and experience, which have already taught us much wisdom, and produced so many consequent changes, will, in the end, solve this problem for us also.

I have the honor to be, sir, your obedient servant,

J. P. USHER, *Secretary.*

The PRESIDENT of the United States.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 23, 1862.

SIR: The President having referred to this department the communication addressed to him by you on yesterday, expressing a desire to enter into contract with the government to colonize in Liberia such of the colored people of this District as may desire to go there under the recent act of Congress on the subject, you are invited to submit, for the consideration of the department, a definite proposition in writing as to terms, &c.

I shall be glad to know from you, at the same time, what information you have as to the number of free colored persons in the District who are now willing to emigrate to the republic of Liberia.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

Rev. WM. McLAIN,

Financial Secretary Am. Col. Society, Washington, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, April 25, 1862.

SIR: Congress, by an act approved the 16th instant, made provision for the colonization and settlement of such of the free persons of African descent, now residing in the District of Columbia, as may desire to emigrate to the republics

of Hayti or Liberia, or some other country beyond the limits of the United States, and I desire to avail myself of your knowledge and experience in arriving at an approximate estimate of the cost of their transportation.

For the purpose of this estimate, Fortress Monroe may be assumed as the point of embarkation, and Liberia, Hayti, and the province of Chiriqui, in the republic of New Granada, as the points of destination.

The vessels should be of the first class, of suitable size, and supplied with food and every convenience for such transportation as is usually afforded to emigrant steerage passengers between England and the United States, or between the United States and Chagres, and each supplied with medicines and one or two medical men of approved ability and character.

I shall be glad to have your views on the subject as soon as may be convenient, and with as much detail as practicable.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

ROBERT MURRAY, Esq.,
United States Marshal, New York City.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 26, 1862.

SIR: By an act of Congress, approved the 16th instant, entitled "An act for the release of certain persons held to service or labor in the District of Columbia," provision is made to aid in the colonization and settlement of such free persons of African descent, now residing in said District, as may desire to emigrate to the republics of Hayti or Liberia, or such other country beyond the limits of the United States as the President may determine, and I desire to know whether you would undertake their colonization and settlement on the lands of the Chiriqui Improvement Company, in the province of Chiriqui, in the republic of New Granada, and if so, upon what terms.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Mr. AMBROSE W. THOMPSON,
National Hotel, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 1, 1862.

DEAR SIR: Referring to the conversation which I had with you last week upon the subject of colonizing free persons of color of the United States upon the island of St. Domingo, I have to request that you will give me your views of the advantages of colonization there. I shall be pleased to obtain information especially upon the following points, viz:

1. The character of the soil and its productions.
2. The general health of the inhabitants and the liability of colonists to fevers or other diseases.
3. The aid which will be afforded by the government to colonists, and the means of subsistence which they will have after they reach the island.
4. The quantity of land to which they can acquire a title as a donation, and whether the grant will be from the government, or from an association of persons interested in colonizing.

5. What will be the cost of transportation of each colonist from this country to the island.

Hoping to receive an early answer from you, I am, very respectfully, your obedient servant,

CALEB B. SMITH.

Secretary of the Interior.

J. W. FABENS, Esq.,

No. 15 Light Street, New York City.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 9, 1862.

SIR: In pursuance of your directions, I have procured such information as could be obtained without too much delay relative to the best mode of executing the 11th section of the act of Congress, approved April 16, 1862, "for the release of certain persons held to service or labor in the District of Columbia."

By that section one hundred thousand dollars is appropriated to aid in the colonization and settlement of such free persons of African descent then residing in the District, including those liberated by that act, as may desire to emigrate to Hayti or Liberia, or such other country beyond the limits of the United States as the President may determine

This appropriation can be employed in colonizing only such colored persons as were residing in the District at the date of the passage of the law, and of them only such as are willing to emigrate for the purpose of colonization.

Two prominent objections are presented to the application of this fund to colonization in Liberia: first, the unwillingness of the colored population to emigrate; and second, the expense.

All the information I have been able to obtain relative to the wishes of the colored population of the District induces the belief that very few of them would consent to emigrate to Liberia upon any terms. The unhealthiness of the climate, as well as the great distance from this country, appears to be regarded as insuperable objections.

The expense of colonizing at Liberia would be greater than at any other point named.

The Rev. Wm. McLain, agent of the American Colonization Society, proposes to transport emigrants to Liberia and subsist them there for six months for the sum of one hundred dollars for each person. At this rate of expense the whole appropriation would colonize only one thousand persons, without making any allowance for contingent expenses.

The subject of colonization in Hayti has been much discussed, and that place seems to meet with more favor than Liberia. Objections are urged on account of the predominance of the Catholic religion, the low grade of civilization existing there, and the fear that the Spanish government will secure the entire control of the entire island. It is not probable that any considerable number of the colored population of the District can be induced to emigrate there. J. W. Fabens, of New York, has made an application, on behalf of an association of gentlemen in that city, to colonize on that part of the island of St. Domingo now under the control of the Spanish government. They propose to give to each emigrant five acres of land, and guarantee to them suitable employment. They estimate the cost of transportation at twenty dollars for each emigrant.

The more enterprising and intelligent among the colored population of the District of Columbia, and whose opinions exert the widest influence, express a decided preference for colonization upon the American continent.

Several points in Central America have been named as presenting peculiar advantages, but a formidable objection to attempts at colonization in that country

is presented by the treaty with Great Britain, usually styled the "Clayton-Bulwer treaty," which provides that neither Great Britain nor the United States will ever occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

But aside from this objection, so far as I have been able to ascertain, no arrangement can be made to colonize there in any other manner than by purchasing a tract of land upon which the emigrants shall be settled. It will then be necessary for the government to make some provision to secure to them business or employment by which they can sustain themselves, and also to furnish them the means of subsistence until they shall be able to procure them as the fruits of their labor. It cannot be supposed that the government would transport them to a comparatively unimproved and uninhabited country and leave them, without capital or the implements of industry, to shift for themselves. It will be necessary to furnish them such means and facilities as will enable them to support themselves by their labor.

A Mr. Burr, in New York, has proposed to sell to the government a tract of land in British Honduras, containing one hundred and fifty square miles, for the sum of seventy-five thousand dollars. The chief value of these lands consists in the mahogany timber on them. The emigrants could be profitably employed there only in cutting the timber and preparing it for shipment to a market. This requires capital and experience which they do not possess, and they could therefore find employment only as laborers for those who may be engaged in cutting and selling the timber.

An association of gentlemen in New York, who claim to own a tract of land in Costa Rica, have proposed to sell it to the government to be used for colonization. But if it should be deemed desirable to make such a purchase, it could not be done without the sanction of Congress, as no appropriation has been made which can be legitimately applied to such an object.

A proposition has been made by Ambrose W. Thompson, on behalf of himself and the Chiriqui Improvement Company, to colonize the free colored people of this District in the province of Chiriqui, in New Granada. This country is situated on the isthmus dividing the Atlantic and Pacific oceans, and being beyond the line of Central America, is free from the objections interposed by the Clayton-Bulwer treaty. The government of New Granada has granted a large tract of country, embracing about two millions of acres, to the Chiriqui Improvement Company, for the purposes of colonization, upon which it is proposed to colonize such colored emigrants as may be sent there by the United States.

An examination of this country was made by a commission appointed by the President in 1860, under the command of Captain Engle, of the United States navy. The report of this commission was highly favorable, showing the existence of very superior harbors on both sides of the isthmus, a climate of great salubrity, a fertile soil with indigenous productions of cotton, coffee, the chocolate nut, sugar-cane, tobacco, and rice, and on the Atlantic side of the isthmus extensive deposits of coal of an excellent quality. The population is very sparse, and ample room would soon be afforded to the colonists to acquire subsistence and independence with a moderate amount of labor.

The Solicitor of the Treasury, under the direction of the Secretary, has recently made an elaborate report upon the title of the persons who claim the grant, which is very favorable, and in my judgment satisfactorily establishes their rights to all they claim.

A proposition was some time since made by Mr. Thompson to furnish to the United States all the coal which may be required for the use of the navy in that region at one dollar per ton less than the price now paid. It is now proposed by him and the company which he represents, if the contract for coal which he has proposed shall be accepted, to transport from this country such colored emigrants as the government may wish to send there for purposes of colonization at the

rate of \$15 for each person for the first five hundred, and \$13 each for the second five hundred, for the third five hundred \$12 each, and for all subsequent lots of five hundred \$10 each, and to furnish each emigrant, the head of a family, with forty acres of land for a permanent home.

Profitable employment would be found by the colonists in working the coal mines if the proposed contract for supplying the navy shall be made. On the 25th ultimo I addressed a letter to the United States marshal in the city of New York, requesting him to ascertain the best terms upon which contracts could be made for the transportation of emigrants from Fortress Monroe to Hayti, Liberia, and Chiriqui. In his reply he states that after extensive inquiry among the principal persons engaged in the shipping business, he has ascertained that the cost to either Hayti or Chiriqui would be twenty-five dollars for each person, exclusive of medicines and medical attendance, which would be required to be paid in addition.

Upon a full consideration of the subject, I am satisfied that the province of Chiriqui presents greater advantages, both in view of the interests of the emigrants and economy to the government, than any other point that has been suggested.

I deem it important, therefore, that the government should make such a contract with the Chiriqui Improvement Company as shall secure the possession or control of the territory to which they have acquired a right for the purposes of colonization.

A larger number of the colored population of this District can be colonized there with the sum which Congress has appropriated for that object than at any other point, while the colonists would possess greater advantages than at any other place.

This arrangement would not necessarily interfere with colonization in Hayti of such portion of the colored population as may desire to emigrate to that island. They can be sent there at a reasonable cost, and it would doubtless be good policy to accede to their wishes.

As the colonization authorized by the act of April 16 may be regarded as but the commencement of a great national scheme which may ultimately relieve the United States of the surplus colored population, sound policy suggests that the experiment should be tried at different points, that we may ascertain their relative advantages by a comparison of results.

In connexion with this subject, it is proper to state that the Danish minister has made an application, on behalf of the government of Denmark, for permission to transport one thousand of the slaves, who are now within the lines and under the control of our armies, to the island of St. Croix, to be employed as laborers on the sugar estates. A system of labor and discipline has been adopted there which appears to be both wise and humane. The laborers are allowed to make their own contracts for one year at a time, and upon the expiration of the year to make a new contract with another employer. They are required to labor but nine hours a day, and have leisure to cultivate land set apart for their own exclusive use. No corporeal punishment can be inflicted, except upon the sentence of an officer after an examination of charges preferred.

The Danish government proposes to transport these persons to the island at their own cost, and to furnish them with a home and employment upon their arrival there. I do not doubt that those who may go there would find their condition greatly improved, and I can see no objection to permitting the agent of the government to take them if they are willing to go.

As they desire to take only those who have been accustomed to field labor, they would not receive the colored population of this District, to whom the appropriation for colonization is applicable.

I have the honor to be, with great respect, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 16, 1862.

SIR: It having been suggested that it would be desirable to acquire the sovereignty over any territory upon which the colored population of the District of Columbia may be colonized, I have made inquiry with a view to ascertain whether it is practicable to obtain it over any of the territory which has been proposed for colonization.

The gentleman who has proposed to colonize upon the lands granted to the Chiriqui Improvement Company, in New Granada, is unable to afford guarantee of the cession of sovereignty over the territory. The constitution of New Granada expressly prohibits the government of the states from transferring to any foreign power any part of their territory. The colonists would acquire a complete and perfect right to the lands upon which they would be settled, and would enjoy all the political rights of citizens. True, they would be subject to all the laws of the country. It is not probable that the right of sovereignty can be obtained over any of the places in which colonization has been proposed. But, if practicable to obtain it, it could only be done after protracted negotiation, involving great delay and requiring the payment of a large consideration.

The delays and difficulties which must attend such an acquisition would for the present, at least, defeat the scheme of colonization, if it shall be insisted upon as preliminary.

The intention of Congress to colonize without acquiring the sovereignty of the territory is manifest from the direction to colonize in Liberia, Hayti, or such other country beyond the limits of the United States as the President may determine.

Congress did not contemplate the acquisition of sovereign control over Liberia or Hayti. Prompt action on the part of the Executive is required to meet the wishes of Congress and the growing sentiment of the country in favor of the experiment of colonization authorized by the law of 16th April.

Yucatan, in Mexico, and the island of Cozumel, adjacent to it, have been suggested as suitable points for colonization. We have no information whether permission can be obtained from the Mexican government; but if the sovereignty of the province was placed in our control I should regard it as a very unsuitable place for the object in view. Yucatan contains an area of 48,899 square miles and an Indian population of over 668,000, equal to about thirteen to the square mile. So large a population but little familiar with the arts of civilized life would present a very serious obstacle to successful colonization of the colored population of this country.

The island of Cozumel is 27 miles long and 7 miles broad, containing an area of only 189 miles, or 120,960 acres. I have no information in regard to its population, but if it should be entirely surrendered to the colonists it would accommodate but a small number.

Besides, Yucatan presents but few attractions to the colonists, and but a slender prospect of their acquiring a subsistence. Lippincott, in his *Cyclopedia*, speaks of it as follows:

"It has in general a very bleak and arid appearance, being not only destitute of any important river, but presenting long tracts where not a spring of fresh water can be found. The interior, in the central parts, is occupied by a lofty ridge, which has the character of a desert, and often, when the rain fails, leaving the natives who inhabit it almost destitute of the means of subsistence, produces fearful mortality."

Upon a full consideration of the whole subject, I am satisfied that the colonization clause of the act of 16th April cannot be executed in the manner and to the extent contemplated by Congress without securing the active co-operation of persons who have already acquired a right to colonize, with a grant of sufficient territory in some country adapted to the purpose.

A few of the colored population may be induced to emigrate to Liberia, some may be willing to go to Hayti; but the whole number which can be thus disposed of will be small.

The agent of the government of Hayti, who is now here urging the emigration of the colored population to that island, informed me that he thought there were about sixty colored persons in the District who have manifested a willingness to go there.

The grant to the Chiriqui Improvement Company, in New Granada, is the only one of sufficient extent in a country adapted to the purpose of which I have any knowledge. The right to colonize there can only be acquired in one of two ways: first, to purchase from the grantees all their rights; or, second, to contract with them to colonize on their lands. The former course would require a larger expenditure than would be expedient, and, besides, could not be adopted without the authority of Congress.

The latter may be accomplished without additional legislation, and while enabling the government to colonize in the cheapest form proposed, would secure other very important advantages. The existence of coal suitable for our steam vessels in Chiriqui, in large quantities, is fully established by the commission sent by the government to investigate the matter.

The Chiriqui Improvement Company propose to furnish to the United States all the coal required for the naval service in the Gulf of Mexico at one dollar per ton less than it now costs. The present cost of coal in the Gulf is now about \$15 50 per ton. The estimate of the quantity required for 1860, as presented by the naval committee of the House of Representatives, was 10,350 tons. For the next year the amount required cannot be less than three times that amount.

The company, to enable them to open their mines and meet the expenses incident to so large an enterprise, require an advance of \$300,000, to be repaid in coal, pledging all their interest there as a security for the fulfilment of the contract. It has been suggested that such a contract for the purchase of coal cannot be made without the sanction of Congress. This objection is obviated by the tenth section of the act of March 2, 1861, making appropriations for sundry civil expenses, &c., (Acts 2d Session 36th Congress, 220,) which provides that "no contract or purchase shall hereafter be made unless the same be authorized by law, or be under an appropriation adequate for its fulfilment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters or transportation, which, however, shall not exceed the necessities of the current year." Under this provision the Navy Department is clearly authorized to purchase a year's supply of fuel, which would be equal to the advance required.

The execution of this contract would secure a supply of good coal at a cheap rate, while at the same time all the advantages of colonization under the most favorable circumstances would be attained in that province.

The settlement of a colony of colored Americans, whose sympathies would naturally be with this country, would ultimately establish there such an influence as would most probably secure to us the absolute control of the country.

I have the honor to be, with great respect, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,

Washington, September 6, 1862.

SIR: Referring to your proposition to colonize persons of African descent upon the island of à Vache, belonging to the government of Hayti, I request of you information upon the following points:

- 1st. What is the area of the island?
- 2d. What proportion of it is mountainous?
- 3d. What proportion is timbered, and what cleared?
- 4th. Are there now any inhabitants on the island; and if so, how many?
- 5th. What amount of land is now cleared and ready for cultivation?
- 6th. What improvements are there on the island, and how are the emigrants to be housed?
- 7th. What provision will be made for the employment of the emigrants, and what wages will be paid them?
- 8th. Do you expect to employ them, or provide for their employment by others?
- 9th. Will any land be set apart to the emigrants for cultivation for their own use; and if so, how much; and can they acquire a title to it; and if so, in what manner?
- 10th. For what length of time do you propose to contract with the emigrants for their labor?
- 11th. Will employment be given to the women and children; and if so, upon what terms?
- 12th. Will the emigrants be subjected to any corporeal punishment?
- 13th. What provision will be made for their support upon their arrival there, and before they can realize from their labor?

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

B. KOCH, Esq., *Washington City.*

DEPARTMENT OF THE INTERIOR,

September 12, 1862.

SIR: I have the honor to state that the draught of a letter to Mr. Pomeroy, called for by your note of to-day, is now in the hands of that gentleman, for the purpose of being submitted to the President, and that as soon as an opportunity offers he will be made acquainted with your request.

With much respect, your obedient servant,

J. P. USHER,

Assistant Secretary.

Hon. WILLIAM H. SEWARD,

Secretary of State.

EXECUTIVE MANSION,

September 12, 1862.

The Department of the Interior is charged, under the direction of the President, with the execution of the 11th section of the act for the release of certain persons held to service or labor in the District of Columbia, approved April 16, 1862; and that portion of section 1 of the act making supplemental appropriations for sundry civil expenses, approved July 16, 1862, which appropriates \$500,000 for the colonization of certain persons of African descent.

ABRAHAM LINCOLN.

DEPARTMENT OF THE INTERIOR,
Washington, September 12, 1862.

Whereas it is represented that Ambrose W. Thompson owns and controls such rights in tract of country within the republic of New Granada, extending across the isthmus from the Chiriqui lagoon on the Atlantic side to the Pacific side, containing about 2,000,000 English acres, more or less, and suitable in a high degree for sustaining an agricultural population, as will enable him to make or cause to be made valid land titles to colonists of African descent brought from the United States of America, and admitting such colonists to equal rights of citizenship with the citizens of that country; and whereas certain persons of African descent propose emigrating thither from the United States, for such purpose of colonization and settlement, five hundred, more or less, of whom purpose such emigration this autumn; and whereas the Hon. Samuel C. Pomeroy has voluntarily offered, and without compensation, to accompany the said emigrants, to assist the initiation of the enterprise, guard the respective interests, and ascertain the suitability of the location for further emigration:

Now, in consideration thereof, it is agreed, if every substantive part of the representations regarding these lands, as made in the reports of government officers and others, be found correct by the said Hon. S. C. Pomeroy, who is to be the judge thereof, then the said Pomeroy is hereby authorized, on behalf of the United States, to order a contract for such works, improvements, and rights, as are hereinafter set forth.

2. The agricultural lands within the limits of the grants aforesaid shall be open to all colored emigrants from the United States, and the said Thompson shall make, or cause to be made, as provided in the next article, good and valid titles thereto to the emigrants.

The persons herein contemplated to be emigrated to that country shall be entitled to said lands in fee simple in the following quantities, viz: For each male adult, unmarried, 20 acres; for each head of a family of five persons and under, 40 acres; and for each head of a family of more than five persons, 80 acres.

3. To secure a clear and unfailing source of conveyance of said lands, it is agreed that the agricultural and pasturable lands in the province of Chiriqui, which are held by said Thompson by virtue of concessions from the authorities of New Granada and Chiriqui, shall be surveyed according to the system of surveys of public lands in the United States, at the expense of said Thompson, and shall, in such manner as the Secretary of the Interior may prescribe, be allotted to the emigrants in such quantities as are hereby provided for. Said Secretary shall devise a form of conveyance of said lands, to be in accordance with the laws of the country in which the same are situated. And said Thompson shall by power irrevocable vest the said Secretary and his successors with the authority to convey said lands to the emigrants, in pursuance with the terms of this agreement; and also with powers from time to time to appoint one or more agents and attorneys under him, with full power to execute said conveyances.

And, in consideration of the payments herein stipulated, made and to be made, this power is hereby agreed to be irrevocable, and shall extend to all the arable and pasture lands of said Thompson, who shall cause them to be surveyed from time to time as they may be needed for settlement. The United States to advance from time to time, towards the price of said lands, the cost of survey, but the advance shall at no time exceed ten thousand dollars; provided, however, that the said Thompson reserves to himself the right to execute deeds to any of said lands to all actual settlers of African descent, in parcels not larger than is herein stipulated to persons and heads of families, for such price and consideration as he may elect to receive.

All coal and minerals upon said lands granted are reserved to said Thompson,

as well as town-sites to be laid off by him, and the right of way for all roads of every description, and the right to enter upon the land for timber and stone for the purpose of constructing and maintaining said road or roads is hereby reserved.

4. As fast as settlements and allotments are made, as provided in the preceding article 3, the United States will pay for said lands \$1 per acre, until one hundred thousand acres have been allotted, as follows: 30 cents per acre to said Thompson, and 70 cents to be appropriated in the building of roads, wharves, or any other improvements necessary for the prosperity of this enterprise, as shall appear to be useful, and determined by said Thompson, with the concurrence of the President.

5. Upon the President of the United States being satisfied by the report of the said Hon. S. C. Pomeroy that the settlement of the first emigrants has been made, that others may follow, that the said lands are suitable, that the plan and conveyance of title are satisfactory, that no opposition has been made by the existing government to said emigration, there shall be advanced to the said Thompson the sum of fifty thousand dollars, to open and develop the coal and other mines, and to enable him to give employment to the emigrants thereon, which said fifty thousand dollars shall be repaid to the United States in coal, delivered at the harbor, at a price not to exceed that paid at Aspinwall.

6. It being understood that the emigration herein contemplated is to be carried on under the auspices and control of the said Pomeroy, or some other person to be appointed by the President.

7. At all times during the progress of the emigration herein contemplated, and while the same shall be carried on in the vessel or vessels of the United States, the said Thompson shall have free passage in said vessel or vessels for himself, his family, his artisans, surveyor, and laborers, the number not to exceed fifteen, for voyage to and from Chiriqui, he providing all commissary stores for himself and them during the voyage or voyages.

8. It is provided and agreed that whenever the public exigencies of the United States of Colombia shall require the use of the steamships or other vessels to be employed by said Thompson, the said vessels shall be at the disposal of either of the said governments for the purpose of transportation, or to repel invasion, suppress rebellion, and to preserve order at the Isthmus of Chiriqui, upon such terms of compensation for said uses as may be just and fair, either government to be umpire between the other and the said Thompson, in case they cannot agree upon said terms.

The wharves for coaling and watering shall be free of charge to the national vessels of the United States of Colombia and the United States of America, and no act shall be permitted by said Thompson contrary to the laws of the United States of Colombia or the treaty stipulations between the United States of America and the United States of Colombia.

In witness whereof, the said Caleb B. Smith, Secretary of the Interior, for and on behalf of the United States, has hereunto signed his name and [SEAL.] affixed the seal of the Department of the Interior, and the said Ambrose W. Thompson has signed his name the day and year above written.

CALEB B. SMITH, *Secretary*.
AMBROSE W. THOMPSON.

The following article has been added by consent of the parties and the approval of the President, viz :

ARTICLE 9. To provide against the United States being compromised by this contract in any manner, in its treaty stipulations with New Granada or the United States of Colombia, it is agreed that the said Thompson is to be responsible for

the good behavior of persons of color whom he may receive from the United States upon his lands, or employ in his mines, or in works of improvement, and if any of said persons become inimical by reason of bad behavior, or refuse to obey the laws and authorities, they are to be restrained or removed by said Thompson.

[SEAL.]

CALEB B. SMITH,
AMBROSE W. THOMPSON.

Whereas, in consideration of certain contracts made by the United States with the undersigned, it has been agreed as follows :

2. The agricultural lands within the limits of the grants aforesaid shall be open to all colored emigrants from the United States, and the said Thompson shall make, or cause to be made, as provided in the next article, good and valid titles thereto to the emigrants. The persons herein contemplated to be emigrated to that country shall be entitled to said lands in fee simple in the following quantities, viz: For each male adult, unmarried, 20 acres; for each head of a family of five persons and under, 40 acres; and for each head of a family of more than five persons, 80 acres.

3. To secure a clear and unfailing source of conveyance of said lands, it is agreed that the agricultural and pasturable lands, in the province of Chiriqui, which are held by said Thompson by virtue of concessions from the authorities of New Granada and Chiriqui, shall be surveyed according to the system of surveys of public lands in the United States, at the expense of said Thompson, and shall, in such manner as the Secretary of the Interior may prescribe, be allotted to the emigrants in such quantities as are herein provided for. Said secretary shall devise a form of conveyance of said lands, to be in accordance with the laws of the country in which the same are situate. And said Thompson shall, by power irrevocable, vest the said secretary and his successors with the authority to convey said lands to the emigrants in pursuance with the terms of this agreement; and also with power, from time to time, to appoint one or more agents and attorneys under him, with full power to execute said conveyances. And in consideration of the payments herein stipulated, made and to be made, this power is hereby agreed to be irrevocable, and shall extend to all the arable and pasture lands of said Thompson, who shall cause them to be surveyed from time to time as they may be needed for settlement. The United States to advance, from time to time, towards the price of said lands, the cost of the survey, but the advance shall at no time exceed ten thousand dollars; provided, however, that the said Thompson reserves to himself the right to execute deeds to any of said lands, to all actual settlers of African descent, in parcels not larger than is herein stipulated, to persons and heads of families, for such price and consideration as he may elect to receive. All coal and minerals upon said lands granted and reserved to said Thompson, as well as town sites to be laid off by him, and the right of way for all roads of every description, and the right to enter upon the lands for timber and stone, for the purpose of constructing and maintaining said road or roads, is also hereby reserved.

4. As fast as settlements and allotments are made, as provided in the preceding article 3, the United States will pay for the said lands \$1 per acre, until one hundred thousand acres have been allotted, as follows: 30 cents per acre to said Thompson, and 70 cents to be appropriated in the building of roads, wharves, or any other improvements necessary for the prosperity of this enterprise, as shall appear to be useful and determined by said Thompson, with the concurrence of the President:

Now, therefore, we, the undersigned, in accordance with the above conditions and stipulations, hereby constitute and irrevocably appoint the Hon. Caleb B. Smith, Secretary of the Interior of the United States, and each successive Secretary thereof his attorney, giving and granting the said Secretary of the In-

terior all the aforesaid powers for the purposes therein stipulated, with full powers to appoint an attorney or attorneys under him to execute the said purposes and carry out all necessary conditions and obligations, hereby ratifying and confirming all that the said attorney or attorneys may do and perform in the premises as fully and completely as if done and performed by the undersigned.

In witness whereof, I, the undersigned, have hereunto set my hand and seal,
[SEAL.] in duplicate, at the city of Washington, this 12th day of September,
A. D. 1862.

AMBROSE W. THOMPSON.

The considerations and conditions agreed to, and the powers herein contained accepted.

CALEB B. SMITH. [SEAL.]

DEPARTMENT OF THE INTERIOR,

Washington, September 12, 1862.

SIR: By recent laws of Congress funds have been put at the control of this department to enable the President of the United States to aid the colonization of colored persons of certain classes who may voluntarily desire to emigrate from the United States and settle themselves in some tropical country, with the consent of the government of such country to their protection and settlement within the same, with all the rights and privileges of freemen. It is further understood that there are some persons of such classes who are desirous to emigrate; and that, owing to the peculiarities of their condition, they will need the aid, superintendence, and guidance of some intelligent white person. I am instructed by the President to accept your humane offer to render that service gratuitously.

You are therefore hereby authorized to provide the necessary outfit to proceed with any number of such persons to such tropical countries as you may think proper; and having first obtained the consent of the government thereof to the protection and settlement of such persons there, with all the rights and privileges of freemen, you will, with the consent of such settlers, leave them there, aiding them in making contracts for lands or employment and present support, in such ways as shall be entirely consistent with the laws and customs of the country, and not at all committing or compromising the government of the United States.

It is reported by Mr. Ambrose W. Thompson, a citizen of the United States, that he possesses titles to certain lands adapted to such settlers on the Isthmus of Chiriqui, and a contract has been made with him provisionally, fixing the rates at which such lands shall be sold or disposed of to such settlers, if they shall conclude to locate upon them; providing also, conditionally, for proper surveys of the lands, and for the temporary employment of the emigrants.

You are authorized to approve these contracts, and provide for their acceptance by the emigrants, if the title and location of the lands, terms and other conditions contained in the contract shall, in your judgment, be found satisfactory. But this is on condition that you first obtain, not only the consent of the government of the republic of New Granada, now recognized by the United States, but also that of the persons or authorities actually exercising power in the Isthmus of Chiriqui, including the lands so claimed by Mr. Thompson, to the protection and settlement of such emigrants, with all the rights and privileges of freemen. If any of these conditions fail, you will not attempt to settle such persons there, but will withdraw at once and proceed with them, with their consent, to any other tropical country where you may have reason to believe that the settlement can be effected in harmony with the objects of the laws of Congress and the views expressed in these instructions. But you will in no case

proceed with the emigrants to either Guatemala or Salvador, insomuch as the representative of those republics near the United States has signified to this government that such immigration there would be unwelcome in either of the republics.

Having volunteered your time and services in this work, you will neither receive nor expect any pecuniary compensation; yet it is distinctly understood that all the necessary, direct or incidental, expenditures made to secure the object sought are to be paid by the Department of the Interior from the appropriation placed at my disposal by the President.

As far as practicable you will accompany your account with vouchers; but as many incidental expenditures may be made for which vouchers cannot be obtained, your certificate of such expenditure is to be deemed satisfactory by said department.

You will report to me, from time to time, your progress in this enterprise, and your expenditures, with such suggestions as may occur to you as insuring, in your judgment, its entire success.

It is to be understood by all governments and persons with whom you may have occasion to communicate or to negotiate that you have no diplomatic authority, and are acting exclusively as the friend, agent, and protector of the emigrants concerned.

I will only add, you have my cordial sympathy and encouragement in the successful prosecution of the laudable work you have undertaken.

I have the honor to be, sir, your obedient servant,

CALEB B. SMITH.

Hon. S. C. POMEROY.

DEPARTMENT OF THE INTERIOR,

Washington, September 16, 1862.

SIR: Hon. Samuel C. Pomeroy has been appointed by the President a special agent to superintend a colonization expedition of negroes to New Granada. He visits New York to look after a suitable vessel to take them out. He wishes to obtain one of the prize vessels which have been captured, if he can find a suitable one. If he can find one adapted to the purpose, the necessary arrangements to transfer the possession to him will be made here.

You will please render Mr. Pomeroy such aid as you can to facilitate the object. Your extensive acquaintance with matters connected with the shipping interest will doubtless enable you to furnish him such information as he may desire.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

ROBERT MURRAY, Esq.,

U. S. Marshal, New York

[Telegram.]

DEPARTMENT OF THE INTERIOR,

Washington, September 20, 1862.

Hon. S. C. POMEROY, *Astor House, New York:*

President wants information. Has appeal from decision of district court been perfected? Has Murray the control and custody of the vessel? Is there order of sale; and if so, when? Is any deposit necessary to get the vessel?

CALEB B. SMITH.

Charge department.

WATT J. SMITH, *Chief Clerk.*

Ex Doc 55—2

DEPARTMENT OF THE INTERIOR,

Washington, September 20, 1862.

SIR: Mr. Charles W. Kimball, late United States consul for the island of Guadeloupe, in a recent letter addressed to the Secretary of State, and by him referred to this department, has suggested the islands of Guadeloupe and Martinique "as offering the highest advantages for the future home of a part of our contraband negroes." He proposes to proceed to those islands and "make the necessary arrangements for the reception of sixty or eighty thousand emigrants free of all charges of transportation to the government of the United States," provided that it shall be perfectly satisfactory and in accordance with the views of both governments interested. He asks to be allowed the same privileges that have been granted to the government of Denmark, and such other aid not incompatible with the interests of the United States, and a delay in making the necessary arrangements, and in submitting his final proposition for consideration commensurate with the time and outlays involved in the undertaking. As preliminary to entering upon this scheme, Mr. Kimball seems desirous of knowing something of the views of the government in relation to it. I respectfully submit the subject for your consideration and directions.

I have the honor to be, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

The PRESIDENT of the United States.

DEPARTMENT OF THE INTERIOR,

Washington, September 20, 1862.

SIR: I have to acknowledge the receipt, by reference from the Department of State, of your letter of the 10th instant, proposing to transfer from the United States to the islands of Guadeloupe and Martinique from sixty to eighty thousand contraband negroes free from all charges to the government of the United States, and to state that, whilst the proposition is regarded by the department with favor, it cannot enter into an arrangement without the consent of the President of the United States, to whom I have submitted the subject for his instructions.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

CHARLES W. KIMBALL, Esq.,

Care of H. E. Browne, Esq., No. 140 Pearl street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, September 22, 1862.

SIR: I had the honor to receive your letter of the 19th instant, asking to know upon what conditions the government of the United States would be disposed to enter into a contract with the government of the Netherlands concerning an emigration of free negroes to Surinam, and to inform you, in reply, that the government is not at present prepared to make any arrangements to that end.

I have the honor to be, with much respect, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

Mr. ROEST VAN LIMBURG,

Envoy Extraordinary and Minister Plenipotentiary

from the Netherlands, New York.

DEPARTMENT OF THE INTERIOR,

Washington, September 25, 1862.

SIR: I have to inform you that on yesterday a draft was issued from the Treasury Department in your favor for twenty thousand dollars of the colonization fund and sent to the assistant treasurer of the United States at New York.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

Hon. S. C. POMEROY,

Colonization Agent, Astor House, New York.

DEPARTMENT OF THE INTERIOR,

Washington, September 27, 1862.

SIR: Herewith I have the honor to transmit to you a copy of a letter, dated 25th instant, from the Secretary of State, covering a copy of a communication addressed by him the day before to Señor Luis Molina, envoy extraordinary and minister plenipotentiary of Costa Rica, Nicaragua, and Honduras, in reply to his protest against the colonization of persons of African derivation in those states. In fulfilling the mission undertaken by you it is expected that you will act in accordance with the views thus expressed by the government of the United States on the subject.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

Hon. S. C. POMEROY,

Astor House, New York.

DEPARTMENT OF THE INTERIOR,

Washington, September 27, 1862.

SIR: In reply to your letter of the 26th instant I have to state that at present the government is not prepared to enter into any arrangement for colonizing persons of African descent on the island near Hayti, and that for any information respecting Central America you are respectfully referred to the Hon. Samuel C. Pomeroy, the agent of the emigration to Chiriqui, who is now at the Astor House in New York.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,

Secretary of the Interior.

FRANCIS GEORGE CUMMINGS, Esq.,

No. 145 North Water street, Philadelphia, Pa.

DEPARTMENT OF THE INTERIOR,

Washington, October 3, 1862.

SIR: In answer to your letter of the 1st instant, I have to say that I am unable to designate any proportion of the appropriation for colonization which can be applied exclusively to colonize in Liberia.

The President has not settled any plan for the expenditure of the appropriations, except the authority given to Senator Pomeroy to colonize in New Granada. Some other arrangements are contemplated which have not been consummated.

The appropriations are limited to the colonization of persons to be made free under the late act of Congress. They cannot, therefore, be applied to the colonization of any others.

Before making any arrangement with the Colonization Society it will be necessary for them to obtain the consent of the persons of the classes designated by Congress to go to Liberia. If they will designate the persons of those classes, and the terms upon which the society will take them to Liberia, the department will then determine whether their proposition can be accepted.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Rev. JAMES MITCHELL, *Present.*

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 3, 1862.

To JAMES C. CLAPP,

United States Marshal for Florida, St. Nicholas Hotel, New York:

Do not send order for delivery of Circassian to Admiral Paulding until you receive an order from the President.

CALEB B. SMITH,
Secretary of the Interior.

Charge department.

WATT J. SMITH, *Chief Clerk.*

[Telegram.]

DEPARTMENT OF THE INTERIOR,
October 4, 1862.

Hon. S. C. POMEROY and W. L. CHALLIS, *Astor House, New York:*

Order for delivery Circassian can't be had till President returns. Tell Clapp to hold it till order comes. Has any action been had?

J. P. USHER.

Charge Department of Interior.

WATT J. SMITH, *Chief Clerk.*

OCTOBER 4, 1862.

[Telegram.]

DEPARTMENT OF THE INTERIOR,
Washington, October 7, 1862.

Hon. S. C. POMEROY, *Astor House, New York:*

Difficulty about Circassian. Ship National Guard can be had. Will it answer? Examine her in New York harbor.

J. P. USHER.

Charge department.

WATT J. SMITH, *Chief Clerk.*

OCTOBER 7, 1862.

DEPARTMENT OF THE INTERIOR,
Washington, October 7, 1862.

DEAR SIR: With this I send you copies of certain correspondence lately transmitted to this department by the Secretary of State.

Copy of a further communication from the honorable Secretary, by the approval of the President, to this department, temporarily suspending the proposed emigration to the tropics, will be forwarded to you to-morrow.

Very respectfully, your obedient servant,

J. P. USHER,
Acting Secretary.

Hon. S. C. POMEROY,
Astor House, New York.

DEPARTMENT OF THE INTERIOR,
Washington, October 7, 1862.

SIR: The Secretary of the Treasury having referred to this department your letter of the 2d instant, asking whether the government of the United States would give permission to vessels to receive on board at Hilton Head or Fernandina colored persons with their families to be colonized in Australia, under the protection of the British government, I have to state that the government is not at present prepared to enter into such an arrangement.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Acting Secretary of the Interior.

GEORGE EDWARDS, Esq.,
No. 745 Broadway, New York.

DEPARTMENT OF THE INTERIOR,
Washington, October 11, 1862.

SIR: I have to inform you that your letter of the 9th instant, alluding to the past operations of the Maryland State Colonization Society, and asking pecuniary assistance from the government of the United States in the proposed emigration the present fall of free colored persons to Liberia, has been duly received and submitted to the President.

I am directed by the President to say that the perusal of your communication has inspired him with feelings of interest, but that he regrets the absence of any appropriation by Congress applicable to the colonization of the class of persons to whom you refer, those which have been made being confined to free persons of color in the District of Columbia and those from the States freed under the confiscation act.

With much respect, your obedient servant,

J. P. USHER,
Acting Secretary of the Interior.

JAMES HALL, Esq.,
Col. Agent Maryland Col. Society, Baltimore, Md.

DEPARTMENT OF THE INTERIOR,
Washington, October 13, 1862.

SIR: In reply to your letter of the 11th instant I have to state that the department is not prepared to enter into the proposed contract with the Colonization Society in time for the persons named by you to sail in the vessel which leaves for Liberia on the 1st proximo.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Acting Secretary of the Interior.

Rev. WILLIAM McLAIN,
Financial Sec. American Col. Soc., Washington, D. C.

DEPARTMENT OF THE INTERIOR,
October 21, 1862.

SIR: I have to acknowledge the receipt of your letter of the 15th instant, enclosing a list of seventeen persons of color who desire to emigrate to Liberia, and ask the aid of the government to do so; and, in reply, have to inform you that the appropriation made by the act of April 16, 1862, has exclusive reference to the colonization and settlement of free persons of African descent residing in the *District of Columbia* at its date, including those to be liberated by it.

The clause in the act of July 16, 1862, making appropriation to enable the President to carry out the emancipation act of July 16, 1862, refers to the colonization of those persons of color "*to be made free* by the probable passage of the confiscation bill," and does not relate to that class of persons for whom your society makes application.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

WILLIAM COPPINGER,
President Pennsylvania Col. Society, Philadelphia.

DEPARTMENT OF THE INTERIOR,
October 21, 1862.

SIR: Referring to your letter of the 11th instant, offering to colonize five persons of color, therein named, in Liberia on the terms and conditions set forth in your communication of the 24th of April last, I request to be informed whether any of the persons named have families; have they signed any written agreement to go to Liberia; and are the terms of your letter of April last the lowest at which your society will agree to colonize them there?

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Rev. WILLIAM McLAIN,
Secretary American Colonization Society.

DEPARTMENT OF THE INTERIOR,
October 24, 1862.

SIR: I have to acknowledge the receipt of your letter of the 16th instant, requesting information respecting the colonization scheme of the President and the employment of certain persons in this department to conduct correspondence

relative thereto. The Rev. James Mitchell is employed in this department as a clerk, but no settled policy has as yet been determined upon by the department relative to colonization.

I am, sir, very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

SAMUEL S. HOWE, Esq.,
Secretary Iowa State Col. Society, Iowa City, Iowa.

DEPARTMENT OF THE INTERIOR,
November 3, 1862.

SIR: Referring to your letter of the 11th instant, I will remark that this department will agree to your society colonizing the five persons named in said letter at the price stipulated, viz., \$100 for each person, and will pay one-half that sum for each person when it is ascertained that they have sailed, and the balance at the expiration of six months after their arrival in Liberia.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

Rev. WM. McLAIN, *Fin. Sec. A. C. S.*

DEPARTMENT OF THE INTERIOR,
Washington, December 26, 1862.

SIR: You are hereby appointed a clerk in this department, to perform such duties as may be assigned you, under the acts of Congress making provisions for the colonization of free persons of color.

Your salary will be at the rate of six hundred dollars per annum, to commence when you shall have taken and subscribed the enclosed oath of office and entered upon duty.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

AUGUSTUS A. SMITH, Esq.

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1863.

SIR: In answer to your letter of the 9th instant, I have to state that this department is not charged with the subject of emigration to Florida. I may remark, however, that the Hon. Eli Thayer, of Massachusetts, is understood to be devoting his attention to the subject in connexion with the War Department, and may be able to give you the information you desire.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

ANSON B. IVES, Esq.,
Box No. 888, Philadelphia, Pa.

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1863.

SIR: I have the honor to inform you that I have read and considered the memorandum of Lord Lyons, relative to the emigration of colored persons,

which was transmitted to this department by you on the 20th ultimo, and in reference thereto to state, that upon the assumption that the guarantees specified in your despatch to Mr. Adams, the American minister at London, dated the 30th of September last, will be secured to the emigrants by her Majesty's government, I regard the proposition with favor, and will cordially co-operate in carrying out the proposed arrangement if it shall be concluded by the governments of her Majesty and the United States.

I am, sir, with much respect, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Hon. W. H. SEWARD,
Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1863.

GENTLEMEN: The contract you propose to enter into with the United States for the transportation to, and settlement in, the republic of Hayti, of persons of African descent, has been prepared in duplicate and is herewith transmitted to you in compliance with Mr. Tuckerman's request.

It provides among other things that you shall present to the Secretary of the Interior of the United States satisfactory evidence of the names, ages, sexes, and conditions of the said persons, and that they are of the class of persons referred to in the acts of Congress alluded to therein, and none other, and a statement of their proposed places of embarkation and destination, in all respects duly attested and verified.

Now, in order that you may not be under any misapprehension respecting the construction which will be given to this part of your agreement, I take this occasion to advise you that the verification of the names, ages, sexes, and *conditions* (i. e. as to their having been slaves and made free by the act of Congress referred to in the contract) of the persons whom you may propose to emigrate, will be required to be made by witnesses legally competent to testify against the supposed rebel masters of such persons, in the district where said masters may have resided, and the required attestation to be in such form, and to have been, made before such magistrates, or other persons authorized to administer oaths as will enable the government to prosecute the witnesses for perjury if their depositions shall prove to be untrue in any respect.

You also stipulate and engage "that families so transported to be settled shall not be separated without their consent," and it is my duty to inform you that this portion of the agreement is regarded by the government as relating to the original selection in families here, as well as to their future settlement in the republic of Hayti.

Should you incline to take emigrants from the class of persons made free by the 9th section of the act of Congress approved the 17th of July, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," you will observe that said act is entirely prospective in its operation, and hence that the proof must show that the persons of that class whom you may propose to transport and settle come clearly within its emancipating clauses.

I also transmit to you herewith a paper prepared by the Secretary of State, showing the character of the "written consent" which it is expected you will procure from the proper Haytien authorities, to receive and provide for the persons whom you propose to transport to, and settle in, that republic.

I am thus particular in order that you may understand distinctly, before entering into the proposed engagement, what will be expected of you, and that no misunderstanding shall hereafter arise on the subject.

I have furthermore to inform you that extracts from the proposed contract, containing the stipulations to be performed by you, have been sent to several distinguished gentlemen in the city of New York, named, in part, by Mr. Tuckerman, requesting their opinions as to your fitness and competency to execute the proposed contract to the full extent and meaning.

Should you conclude, with these explanations, to enter into the said contract, you will please execute the same, in duplicate, in presence of the United States district attorney, Mr. E. Delafield Smith, and Mr. Robert Murray, the United States marshal, and return it to this department, whereupon it will be laid before the President, together with the responses of the gentlemen alluded to; and if he shall be satisfied that you are proper persons to whom to confide so important and responsible an undertaking, the contract will be duly executed by me on behalf of the United States, and one copy transmitted to you, and the other placed among the archives of this department.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER,

Secretary of the Interior.

Messrs. PAUL S. FORBES AND CHARLES K. TUCKERMAN,
No. 50 Wall Street, New York,

REPUBLIC OF HAYTI.

To all persons to whom these presents shall come, greeting:

Know ye, that whereas a certain agreement in writing, under date of ———, was executed at the city of Washington on the ——— day of ———, between the United States of America, by ———, on the one part, and ——— on the other part, whereby the said party of the second part engaged, upon the terms and conditions therein set forth, to transport to and settle within the territory of this republic certain persons of African extraction; and whereas among the conditions required by the said party of the first part was, that the persons so transported should be received, treated, and cared for by the authorities of this republic in a manner as more particularly specified in said agreement:

Now, therefore, be it known that I, ——— president of the republic of Hayti, being duly authorized for that purpose, do hereby engage, on behalf of that republic, that all the said persons who may be brought into the territory thereof, pursuant to the agreement aforesaid, shall be received, treated, cared for, and guaranteed in all the rights, privileges, and immunities specified in said contract.

[SEAL.] In testimony whereof, I have caused the great seal of this republic to be hereunto affixed.

Done at the city of Port au Prince, this ——— day of ———, in the year of our Lord ———, and of the independence of the republic of Hayti ———.

By the President:

M———, *Minister of Foreign Affairs.*

DEPARTMENT OF THE INTERIOR,

Washington, April 3, 1863.

SIR: Mr. Paul S. Forbes, of No. 50 Wall street, and Mr. Charles K. Tuckerman, of New York city, propose entering into a contract with the United States for the transportation to and the settlement in the republic of Hayti of five hundred persons of African descent, who have been freed from bondage under certain recent acts of Congress, and the department desires to obtain the

most reliable and satisfactory evidence of their entire fitness, ability and trustworthiness, in every respect, for so important and responsible an undertaking.

They engage to "cause them, with their personal effects, to be received on board of seaworthy vessels, which shall afford them healthful accommodations of space, air, food, water, and other necessities for their voyage," and in no case to suffer any "cruelty, inhumanity or unnecessary severity to be practiced upon them;" "that families shall not be separated without their consent;" that "on arriving at the place of debarkation such emigrants shall be furnished with plain but comfortable dwellings, one for each family, or with comfortable homes in the families of resident inhabitants of the country, and either with lands, to be owned and occupied by themselves, adequate to their support and maintenance, they practicing ordinary industry in cultivating the same, or else with employment on hire, with provision for their wants, and compensation adequate to their support, clothing, and medicines, and an education of the children in the simple elements of knowledge, which provision shall continue for the term of five years, minors and infants being permitted to reside with their parents and guardians during their minority, unless apprenticed with the consent of their parents and guardians;" and that, "in all cases of indigence, resulting from injury, sickness or age, any of such emigrants who shall become paupers shall not thereupon be suffered to perish or come to want, but shall be supported and cared for, as is customary with similar inhabitants of the country in which they shall be residents." In aid of their proposed plan of colonization, the United States are to pay them the sum of fifty dollars for each person landed in the republic of Hayti in accordance with the terms of their agreement.

I have been thus explicit in order that you may fully understand what is required of the contractors, and be enabled to judge of their fitness and pecuniary means for the successful accomplishment of such an undertaking as they propose.

Aside from the outlay proposed by the United States, the department is very solicitous for the proper treatment and future welfare of the persons who may be induced to embark in this enterprise.

It having been represented to the department that considerable progress has been made towards the fitting out of a suitable vessel for the purpose proposed, I should be glad if you will call upon the parties to point out the vessel to you and allow you to inspect the lading and outfit, and communicate to me your opinion as to their suitability and adequacy for the purpose designed.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

ROBERT MURRAY, Esq.,
United States Marshal, New York City.

P. S.—Confiding in your ability, I earnestly invoke your zealous co-operation, to the extent indicated, with the request for an early and full reply in the premises.

DEPARTMENT OF THE INTERIOR,
Washington, April 3, 1863.

SIR: Mr. Paul S. Forbes, of No. 50 Wall street, and Mr. Charles K. Tuckerman, of New York city, propose entering into a contract with the United States for the transportation to, and settlement in, the republic of Hayti, of five hundred persons of African descent, who have been freed from bondage under recent acts of Congress, and the department desires to obtain the most reliable and satisfactory evidence of their entire fitness, ability, and trustworthiness, in every respect, for so important and responsible an undertaking.

They engage to "cause them, with their personal effects, to be received on board of seaworthy vessels, which shall afford them healthful accommodations of space, air, food, water, and other necessities for their voyage," and in no case to suffer any "cruelty, inhumanity, or unnecessary severity to be practiced upon them;" that families "shall not be separated without their consent;" that "on arriving at the place of debarkation such emigrants shall be furnished with plain but comfortable dwellings, one for each family, or with comfortable homes in the families of resident inhabitants of the country, and either with lands to be owned and occupied by themselves, adequate to their support and maintenance, they practicing ordinary industry in cultivating the same, or else with employment on hire, with provision for their wants and compensation adequate to their support, clothing, and medicines, and an education of the children in the simple elements of knowledge, which provision shall continue for the term of five years, minors and infants being permitted to reside with their parents or guardians during their minority, unless apprenticed with the consent of their parents and guardians;" and that, "in all cases of indigence resulting from injury, sickness, or age, any of such emigrants who shall become paupers shall not thereupon be suffered to perish or come to want, but shall be supported and cared for, as is customary with similar inhabitants of the country in which they shall be residents." In aid of their proposed plan of colonization the United States are to pay them the sum of fifty dollars for each person landed in the republic of Hayti, in accordance with the terms of their agreement.

I have been thus explicit, in order that you may fully understand what is required of the contractors, and be enabled to judge of their fitness and pecuniary means for the successful accomplishment of such an undertaking as they propose.

Aside from the outlay proposed by the United States, the department is very solicitous of the proper treatment and future welfare of the persons who may be induced to embark in this enterprise.

Confiding in your ability, I earnestly invoke your zealous co-operation to the extent indicated, with a request for a full reply in the premises.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

JOHN J. CISCO, Esq.,
Assistant Treasurer United States, City of New York.

(Letters of same tenor and date sent to E. Delafield Smith, United States district attorney, New York city, and Hiram Barney, collector, New York city.)

DEPARTMENT OF THE INTERIOR,
Washington, April 13, 1863.

GENTLEMEN: The President having approved the contract transmitted to you with my letter of the 3d instant, and which you signed and returned to me on the 6th, I have executed the same on behalf of the United States, and herewith enclose it to you. Be pleased to acknowledge its receipt.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

MESSRS. PAUL S. FORBES and CHARLES K. TUCKERMAN,
No. 50 Wall Street, New York.

Know all men by these presents, that this agreement between the United States of America, by John P. Usher, Secretary of the Interior, on the one part, and Paul S. Forbes and Charles K. Tuckerman, of the city of New York, on the other part, witnesseth :

Whereas, by the act of Congress of the United States approved the sixteenth day of April, one thousand eight hundred and sixty-two, entitled "An act for the release of certain persons held to service or labor in the District of Columbia," the sum of one hundred thousand dollars was appropriated, to be expended under the direction of the President, to aid in the colonization and settlement of such free persons of African descent residing in said District, including those to be liberated by that act, as might desire to emigrate to the republic of Hayti or Liberia, or such other country beyond the limits of the United States as the President might determine, providing the expenditures for that purpose shall not exceed one hundred dollars for each emigrant ;

And whereas, by the act of Congress approved the sixteenth day of July, one thousand eight hundred and sixty-two, entitled "An act making supplemental appropriations for sundry civil expenses of the government for the year ending June thirtieth, eighteen hundred and sixty-three, and for the year ending June thirtieth, eighteen hundred and sixty-two, and for other purposes," the sum of five hundred thousand dollars was appropriated "to enable the President to carry out the act of Congress for the emancipation of the slaves in the District of Columbia, and to colonize those to be made free by the probable passage of a confiscation bill ;"

And whereas the Secretary of State, pursuant to the directions of the President, did, in an instruction of the 30th of September, 1862, to ministers of the United States accredited to governments having possessions in tropical regions, set forth the policy by which this government would be actuated, and the rules which it would expect to be observed in carrying such emigration into effect, a copy of which for greater certainty is hereunto annexed :

Now, therefore, be it known that we, Paul S. Forbes and Charles K. Tuckerman, of the city of New York, the party of the second part, for and in consideration of the sum of fifty dollars for each person, engage to undertake the transportation to, and settlement in, the republic of Hayti, of the persons, not exceeding five hundred in number, referred to in the acts of Congress aforesaid, upon the conditions named in the instruction aforesaid, to wit :

The said party of the second part engage that they will produce the written consent of the proper Haytien authorities to receive the persons whom they propose to transport to and settle in the republic of Hayti; that those persons, being adults, shall give their free consent to the same, and being minors or wards, shall obtain the free permission of their parents or guardians, or of some justice of the peace or other civil magistrate of a State, district, or Territory, or military commandant ; that they will present to the Secretary of the Interior satisfactory evidence of the names, ages, sexes, and conditions of the said persons, and that they are of the class of persons referred to in the aforesaid acts of Congress, and none other, and a statement of their proposed places of embarkation and destination, in all respects duly attested and verified. They will cause them, with their personal effects, to be received on board of seaworthy vessels, which shall afford them healthful accommodations of space, air, food, water, and other necessities for their voyage, and will in all cases suffer no cruelty, inhumanity, or unnecessary severity to be practiced upon them.

And they further engage that families so transported to be settled shall not be separated without their consent ; that on arriving at the place of debarkation such emigrants shall be furnished with plain but comfortable dwellings, one for each family, or with comfortable homes in the families of resident inhabitants of the country, and either with land to be owned and occupied by themselves, adequate to their support and maintenance, they practicing ordinary industry in cultivat-

ing the same, or else with employment on hire, with provision for their wants and compensation adequate to their support, clothing and medicines, and an education of the children in the simple elements of knowledge, which provision shall continue for the term of five years, minors and infants being permitted to reside with their parents and guardians during their minority, unless apprenticed with the consent of their parents and guardians. All such emigrants and their posterity shall forever remain free, and in no case be reduced to bondage, slavery, or involuntary servitude, except for crime; and they shall especially enjoy liberty of conscience, and the right to acquire, hold, and transmit property, and all other privileges of person common to the inhabitants of the country in which they reside.

In cases of indigence resulting from injury, sickness, or age, any of such emigrants who shall become paupers shall not thereupon be suffered to perish or come to want, but shall be supported and cared for as is customary with similar inhabitants of the country in which they shall be residents. And on the presentation to the Secretary of State of the United States, by the party of the second part, of satisfactory assurances from the proper Haytien authorities that when the persons aforesaid shall have been landed in that republic they shall be received, and thenceforward provided and cared for, protected and guaranteed in the manner above specified in the instruction of the Secretary of State above referred to, the party of the first part engages to pay to the party of the second part the sum above mentioned for each person transported and settled as aforesaid, on receiving from the consul or other officer of the United States in that republic nearest to the port of destination of the emigrants a certificate of their having been landed there in accordance with this agreement.

Done in duplicate, at the city of Washington, this sixth day of April, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.]

J. P. USHER,

Secretary of the Interior.

PAUL S. FORBES.

CHAS. K. TUCKERMAN.

In presence of—

E. DELAFIELD SMITH,

United States District Attorney.

ROBERT MURRAY,

United States Marshal S. D. N. Y.

DEPARTMENT OF THE INTERIOR,

Washington, April 17, 1863.

SIR: The Secretary of State having referred to this department the assignment dated March 30, 1863, from Bernard Koch to Leonard W. Jerome, Paul S. Forbes, and yourself, of his agreement with the government of Hayti, I herewith transmit the same to you, in compliance with the request contained in your letter of the 15th instant to the Assistant Secretary of State, the receipt of which be pleased to acknowledge.

I avail myself of this occasion to acknowledge the receipt of your letter of the 14th instant, notifying the department of the departure from Fortress Monroe of the Ocean Ranger for the island of à Vache, republic of Hayti, with five hundred free colored emigrants of the classes specified in the contract entered into with the government of the United States on the 6th instant by yourself and Paul S. Forbes, esq; and lest you should contemplate making arrangements for the transportation of an additional number of such emigrants, in anticipation of the renewal of that contract, I deem it proper to inform you that, inasmuch as

more eligible and less expensive offers have been made to the government, such an expectation on your part is not likely to be realized.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

C. K. TUCKERMAN, Esq.,
No. 50 Wall street, New York.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 18, 1863.

SIR: In compliance with your verbal request of to-day, I herewith transmit to you a copy of a letter addressed by this department to Messrs. Paul S. Forbes and Charles K. Tuckerman, of New York city, on the 3d instant, in relation to their proposed contract for the transportation to, and settlement in, the republic of Hayti, of persons of African descent; also an extract from the contract entered into with them on the 6th instant.

I am, sir, very respectfully, your obedient servant,

W. T. OTTO,
Assistant Secretary.

Rev. JOHN B. PINNEY,
No. 49 National Hotel, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 22, 1863.

SIR: I have the honor to enclose herewith a communication from Hiram Ketchum, esq., president of the American West India Company, New York, respecting the determination of that company to employ persons of African descent to go to St. Domingo, and there engage in the cultivation of cotton. The company design to place this enterprise under the superintendence of J. F. Clark, esq., who possesses its confidence in an eminent degree.

If the policy of emigrating the blacks is to be persevered in, I see no objection to the proposal of the American West India Company.

Mr. Ketchum's letter is referred for your perusal and for such action as you may deem appropriate.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1863.

SIR: I have the honor to inform you that the proposition of the American West India Company, with reference to obtaining free colored laborers from the United States, for their service in St. Domingo, has been duly considered, and that the government perceives no objection thereto. I would suggest, however, that they be taken from among the large number of that class of persons to be found within the District of Columbia, for the reason that if sought else-

where, and within the lines of the army, the consent of the military commandant would have to be obtained, and the enterprise thereby be embarrassed.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Hon. HIRAM KETCHUM, *New York.*

DEPARTMENT OF THE INTERIOR,

Washington, April 28, 1863.

SIR: The Rev. J. B. Pinney, of New York, and the Rev. A. A. Constantine propose entering into contract with this department for the transportation to Liberia of a limited number of such free colored persons as may be found desirous of emigrating thither, and wish to visit Fortress Monroe and to have access to that class of persons within the lines of the army.

I have the honor to request that you will cause them to be furnished with the requisite pass, which shall also secure to them such facilities and privileges as the commandant of the post may not deem improper.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Hon. E. M. STANTON, *Secretary of War.*

DEPARTMENT OF THE INTERIOR,

Washington, May 7, 1863.

SIR: In reply to your letter of the 2d instant, requesting pecuniary aid from the government in behalf of the two free colored persons of Circleville, Ohio, Washington Copeland and the Rev. Samuel McMillan, who propose emigrating to Liberia in the American Colonization Society's ship, which sails from Baltimore on the 16th instant, I have to state that the appropriations made by Congress in aid of the colonization of persons of African descent only apply to that class of persons residing within the District of Columbia on the 16th of April, 1862, and those who have been or may be freed under the operation of the confiscation act, so called, and not to those born free, or who otherwise obtained their freedom. Consequently, it is not in my power to comply with your request.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

W. H. P. DENNY, Esq., *Circleville, Ohio.*

DEPARTMENT OF THE INTERIOR,

Washington, May 13, 1863.

SIR: Mr. Harrington, the Assistant Secretary of the Treasury, has referred to this department the letter addressed to him by you on the 11th instant, asking to be informed whether Mr. Ambrose W. Thompson has sold, and if so, for what price, his rights of territory in Chiriqui, but your letter is unaccompanied by any evidence of interest in the matter such as would justify an official correspondence on the subject.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

WM. RUSSELL FOSTER, *No. 38 Pine Street, New York.*

DEPARTMENT OF THE INTERIOR,

Washington, May 13, 1863.

SIR: In reply to your letter of the present date, asking pecuniary aid from the government to enable you to emigrate to Liberia by the American Colonization Society's ship, now about to sail, I have to state that, whenever you shall produce evidence that you have contracted with that society for your passage, the United States will pay to its proper officer the sum of ninety-five dollars (\$95) out of the appropriation for colonization purposes.

Very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

JOHN W. MENARD, Esq.,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, May 11, 1863.

SIR: I have duly considered your communications of the 6th, 7th, and 9th instant, "in regard to the emigration of contrabands and others of African descent from this country to the colony of British Honduras, Central America," and have to state that the present time seems to me to be inauspicious for the success of any efforts in that direction.

The appropriations made by the Congress of the United States for colonization purposes are restricted to such free persons of color as were residing in the District of Columbia on the 16th day of April, 1862, including those liberated by the act of that date, and to those confiscated and freed as the property of rebels, under operation of the act of Congress approved July 17, 1862.

An effort was recently made by the American Colonization Society to effect an arrangement for the emigration to the republic of Liberia of a number of those of the latter class now within the lines of the army at Fortress Monroe, but failed of success because, in the opinion of the Secretary of War, it is inexpedient to allow any persons to visit that vicinity for that purpose at this time. The same objection, no doubt, exists in reference to other localities where those persons have sought and obtained the protection of the United States. While that difficulty does not exist with reference to the free colored residents of the District of Columbia, another, equally insuperable, does, and that is the fact that many of those most desired by the British Honduras Company, viz., the able-bodied males, are now engaged in making arrangements to enlist in a different enterprise, from which it is not deemed politic to divert them.

Under these circumstances, I have not thought it worth the while to discuss the particular terms of the proposition submitted by you.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Mr. JOHN HODGE,
Agent for the British Honduras Company, Washington, D. C.

Memorandum.—This letter was submitted by the Secretary of the Interior to the Secretary of State and Secretary of War, and by them approved. (See Mr. P. H. Watson's note of May 13, 1863, on file.)

DEPARTMENT OF THE INTERIOR,
May 18, 1863.

SIR: The recent action of the War Department prevents the further emigration from the United States of persons of African descent for the present, and it, in my judgment, will not be renewed to such an extent as to make it necessary to employ any additional force beyond that now legally employed in the department. I have, therefore, to suggest that the further attention of the Rev. Mr. Mitchell to that business be dispensed with.

I am induced to make this suggestion to save needless expense and to afford the Pension Office an additional room, now occupied by him, which is greatly needed for the proper transaction of the business of that bureau, the delays in which are becoming the subject of just complaint.

With great respect, your obedient servant,

J. P. USHER, *Secretary.*

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, June 10, 1863.

SIR: On my return to the seat of government I find your letter of the 20th ultimo, asking whether or not the United States government will permit the emigration to British Honduras of free persons of color not belonging to the District of Columbia, or contrabands of war, and in reply have to say that this department has no official cognizance of the subject of the colonization of the colored population of the United States not made free by the confiscation and emancipation acts of Congress, and that it knows of no reason to suppose that the government will interfere with the lawful action of any citizen of the United States.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Mr. JOHN HODGE,

Care Messrs. Alexander & Sons, No. 44 Beaver street, New York.

DEPARTMENT OF THE INTERIOR,
Washington, July 7, 1863.

GENTLEMEN: With this I send you a slip from a southern paper. This is the first notice I have seen of the fate of the emigrants; nor have I heard from you. If you can give any information respecting these people, their present condition, &c., you will much oblige, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Messrs. PAUL S. FORBES & CHAS. K. TUCKERMAN,
No. 50 Wall street, New York.

DEPARTMENT OF THE INTERIOR,
Washington, July 8, 1863.

SIR: I have examined the papers which accompanied your note of the present date, and, in reply, have to state that they in no particular establish the performance of your contract of the 6th of April last.

Ex. Doc. 55—3

On yesterday I forwarded to your address, at New York, a slip from a southern paper, stating that about one-half the emigrants were dead, and that the residue would probably die from the same cause. It is to be regretted that you entered upon the removal of these persons until you had first obtained the guarantees from the Haytien government required by Mr. Seward. If it turns out that the report in the southern press is true, this regret will be more deeply felt by all connected with the affair.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

CHAS. K. TUCKERMAN, Esq.,
Willards' Hotel, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 21, 1863.

SIR: I have the honor to return herewith the despatch of the 21st ultimo, (No. 32,) with the accompanying papers from B. F. Whidden, United States commissioner and consul general at Hayti, respecting the condition of the emigrants from the United States to Ile à Vache, which you sent to me for perusal.

I also return you the despatches, Nos. 45, 46, 49, 62, and 66, of Mr. Winthrop, our consul at Malta; that of Mr. Carup, consul at Kingston, Jamaica; and the two from Mr. Leas, United States commercial agent at Belize, British Honduras, dated the 13th of January and 15th of February last, having reference to the subject of colonization, which you handed me some time since for the same purpose.

I am, sir, with much respect, your obedient servant,

J. P. USHER,
Secretary of the Interior.

HON. WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 29, 1863.

SIR: In reply to the inquiry contained in your note of the 28th instant, I have to state that Mr. Pomeroy has not yet rendered any account to this department of expenses incurred by him in reference to the colonization in Central America.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

E. A. DUFFIELD, Esq., *New York.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 9, 1863.

SIR: I wish to send an agent to Hayti and the adjacent island of à Vache to examine into and report upon the real condition and prospects of the colored emigrants who went thither last spring under a contract made by this department, and should be glad to have you go. A steamer for Port au Prince leaves New York on the 20th of this month, and if it will be agreeable to you to perform this duty, I should be pleased to be advised by telegraph, and to have you

report to this department in person as soon as possible, that you may be furnished with a copy of the contract and such instructions as may be necessary.

I am, sir, very respectfully, your obedient servant.

J. P. USHER, *Secretary.*

D. C. DONOHUE, Esq.,
Greencastle, Indiana.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 15, 1863.

SIR: I have to inform you that, since the receipt of your note a few days ago, I have received a reply from a gentleman to whom I had previously written, and who has accepted the appointment tendered to him as special agent of the department to visit the island of à Vache, and inspect and report upon the true condition and future prospects of the recent emigrants to that island from the United States. He will probably be in Washington this evening, and in New York in season to take passage by the steamer Saladin, on the 20th instant, for Port au Prince.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. H. J. RAYMOND, *New York City.*

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, October 15, 1863.

H. J. RAYMOND, Esq., *New York Times:*

Have appointed an agent, and written you to-day.

J. P. USHER, *Secretary.*

Charge Department of the Interior.

GEO. C. WHITING, *Acting Chief Clerk.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 17, 1863.

SIR: On the 6th of April last, this department, by direction and with the approval of the President, entered into a contract with Paul S. Forbes and Charles K. Tuckerman, of New York city, for the emigration from the United States of five hundred persons of African descent, of certain specified classes, and their settlement and colonization in the island of à Vache, on the southwest coast of the island of Hayti, and adjacent thereto. A copy of that contract you will receive herewith, and also a copy of my letter to Messrs. Forbes and Tuckerman, of the 3d of April last, explaining to them more freely my view of the contract, and the manner in which the department would expect it to be executed by them.

It appears from the certificate of George C. Ross, United States consul at Aux Cayes, dated June 1, 1863, that shortly after the execution of this contract, a cargo of four hundred and fifty-three negroes was landed on the island of à Vache from Fortress Monroe and its vicinity, and colonized in accordance with the terms thereof; and although it is stated in said certificate of Mr. Ross that "the new colony" was then "flourishing under the able, wise and humane direction of its projector, Bernard Koch," and that the emigrants had "declared

before me (him) and the Haytien authorities that they are (were) happy and contented," the government has recently been formally and officially advised that their present condition is entirely the reverse; that they have been but poorly provided with food and shelter; that many have died of disease, and others fled to Hayti; and that the residue are in great destitution, and discontented with the hardships they have to endure and the treatment they receive.

On a careful perusal of the accompanying papers you will not fail to recognize the cautious and studious efforts of the department to secure to these unfortunate people, to the fullest extent, the benignant policy adopted by Congress for their future welfare and benefit.

The recent information, before alluded to, has greatly disappointed the just expectations of the government, and determined it to send out a special agent to look thoroughly into and report upon their present condition and future prospects, with a view to such remedial action or other provision for them as may seem necessary and practicable.

For this purpose, you are hereby appointed a special agent of this department, and will proceed at once to the island of à Vache and enter upon the discharge of the duties thus devolved upon you. Funds will be provided to defray your expenses, and a suitable compensation for your services hereafter allowed you.

You are requested to ascertain, as accurately as possible, the manner in which this contract has been complied with by Messrs. Forbes and Tuckerman in every particular, and, as far as practicable, reduce all the information you may obtain to the form of legal evidence.

Mr. James De Long, the present United States consul at Aux Cayes, will doubtless be able to give you useful information on the subject of your duties, and cheerfully aid you to the extent of his ability. I would suggest that you confer with him immediately on your arrival.

It is desirable that you should proceed on your way to à Vache by the steamer Saladin, which sails from New York on the 20th instant. Her agents are Messrs. Walden & Booth, No. 57 Broad street, New York.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

D. C. DONOHUE, Esq., *Present.*

[By telegraph.]

DEPARTMENT OF THE INTERIOR,
Washington, October 17, 1863.

To Messrs WALDEN & BOOTH, No. 57 Broad street, New York:

At what hour on Tuesday will the Saladin sail?

GEO. C. WHITING,
Acting Chief Clerk.

Charge Department of the Interior.

GEO. C. WHITING, *Acting Chief Clerk.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 19, 1863.

SIR: I have this day drawn a requisition upon the Secretary of the Treasury in your favor for the amount which it is at present supposed will cover your expenses as special agent of this department to visit the island of à Vache to as-

certain and report upon the condition of the colored emigrants from this country. Should you find that amount inadequate, you are hereby authorized to draw upon this department for such additional sum or sums, to be paid in American gold, as may be necessary.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

D. C. DONOHUE, Esq.,
Special Agent, Present.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., October 19, 1853.

SIR: The Secretary of State has transmitted for the files of this department your letter of the 17th instant, and I have read it with much surprise. Nothing ever occurred with Mr. Kock which would justify you in undertaking the enterprise of emigrating the blacks as you allege, and when you visited Washington and insisted upon the contract being made with yourself and Mr. Forbes, it was upon your own proposition to the President that you would take the risk of obtaining the guarantees required of the Haytien government, without which the contract would not have been made, and only upon the obtaining of it could you be paid for the emigration at all.

I refer you to my letter of the 3d of April last, which accompanied the contract for your signature, as a full answer to all your complaints. You eagerly advanced upon this enterprise; selected a place which now appears to be so inhospitable that the blacks are in danger of perishing, and imposed upon the government the necessity of sending an agent to examine into and provide for the wants of the people whom you have inconsiderately placed upon a barren island, without the advice of the government, against its consent, till the most ample guarantees were supposed to have been given.

Whatever can now be done to ameliorate the condition of the emigrants will be attempted. An agent goes with the vessel to-morrow. But whatever further misfortunes may befall them will be owing solely to your eagerness to engage in this business without a proper knowledge of the character and importance of the undertaking, and not to any fault or want of caution on the part of the government, unless, indeed, that imputation may be made for contracting with you at all.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

CHARLES K. TUCKERMAN, Esq.,
No 50 Wall street, New York.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,

Washington, October 20, 1863.

To D. C. DONOHUE, *Aslor House, New York:*

Have written you to-day; remain until it arrives.

J. P. USHER, *Secretary.*

Charge to Department of the Interior.

GEO. C. WHITING,
Acting Chief Clerk.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 20, 1863.

SIR: Your telegram of this date, informing me of your disappointment in not being able to obtain a passage for Port au Prince in the *Saladin*, is received.

Unless you shall be able to procure passage *via* Havana, so as to arrive at your destination sooner than by the vessel which proposes to sail from New York on the 10th proximo, you can return to this city and remain until that time; taking the precaution, however, of securing a passage at that time before leaving New York.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary*.

D. C. DONNOHUE, Esq.,
Astor House, New York.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 21, 1863.

SIR: The acting chief clerk of the department informs me that you sent him a verbal message this morning, to the effect that you wished all letters and papers now in the department, and which may hereafter be received, relative to the subject of colonization, sent direct to you for your files, and not opened in the chief clerk's room, or entered upon books to which you had no access, &c.

Hereafter you are requested to make your communications to the head of the department, and in writing. You are also hereby directed to write no communications, as emanating from this department, touching any subject which you may suppose to be under your control, without first obtaining the sanction and approval of the Secretary or the Assistant Secretary of the Interior.

The papers relating to the subject of colonization now on the files of this department are there by my authority, and any others that may be hereafter received will take such direction as I may deem proper to give to them.

I am, very respectfully, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Rev. JAMES MITCHELL, *Present.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., October 22, 1863.

SIR: I have to inform you that the account of the American Colonization Society, for colonizing in Africa of Peter Stafford, his wife and daughter, amounting to \$285, has been approved, and referred to the First Auditor of the treasury for settlement.

I am, sir, very respectfully, your obedient servant,

J. P. USHER *Secretary*.

Rev. WILLIAM McLAIN,
Financial Sec. Amer'n Col. Soc., Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., November 3, 1863.

SIR: The President having referred your letter of the 13th ultimo to this department, I have to state that the appropriations made by Congress are not applicable to the emigration and colonization of colored citizens of New Jersey.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary*.

B. T. BROWN, Esq., *Camden, New Jersey.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., November 6, 1863.

SIR: I beg to thank you for the very interesting and encouraging account of a recent visit to Ile à Vache, with which you favored me under the date of the 31st ultimo. I have been highly gratified in perusing it, and will endeavor to avail myself of the many practical suggestions it contains in any future action that may be taken relative to the emigrants now located there.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

ALLSTON WILSON, Esq.,

No. 88 Front street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., November 16, 1863.

SIR: Since giving you the instructions contained in my letter of the 17th ultimo, the department has received intimations which induce the apprehension that the contractors for the colonization of the island of à Vache are about to withdraw their support from the colonists they have taken thither, and that, in that event, the emigrants may for a time be exposed to suffering and want. From the letter of Mr. Wilson, of New York, which you have read, the hope is indulged that by proper industry and management the colonists will soon be able to sustain themselves; but should they, in the mean time, stand in need of any assistance, it is the wish of the department that it shall be extended to them to a reasonable extent; and to enable you to do so, you are hereby authorized to draw upon this department for the necessary funds. For any expenditures you may find it necessary to make you will be required to render a detailed account, supported by proper vouchers.

I am, sir, very respectfully, your obedient servant,

J. P. USHER *Secretary.*

D. C. DONNOHUE, Esq.,

Special Agent of the Interior Department, Present.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,

Washington, November 17, 1863.

To Messrs. WALDEN AND BOOTH,

No. 57 Broad street, New York:

Will the Saladin sail for Port au Prince on the 20th instant? Answer.

HALLET KILBOURN,

Chief Clerk.

Charge this department.

HALLET KILBOURN, *Chief Clerk.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 15, 1863.

SIR: Herewith I send you a copy of a letter recently received from Mr. Leonard W. Jerome, of New York, in reference to the contract of Messrs. Forbes and Tuckerman, in which he seems to have some interest. I also send you a copy of my annual report, so that you may see to what he refers.

Should the contractors withdraw their support from the emigrants, you will make such provision for them, to prevent them from suffering and want, as may be in your power, and draw upon this department, as you have already been instructed to do.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

D. C. DONNOHUE, Esq.,

*Special Agent, care U. S. Consulate,
Aux Cayes, Hayti.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 14, 1863.

SIR: I have received your note of the 12th instant, calling my attention to the claim of Messrs. Forbes and Tuckerman "for taking four hundred and fifty freed negroes to the Ile á Vache," and requesting that they may henceforth be regarded as remanded back to the care of the government.

In my annual report of the 5th instant to the President I stated, in referring to the scheme entered upon by Messrs. Forbes and Tuckerman, that the condition of the colony had been variously represented, and that an agent had consequently been deputed by this department to visit the island and report the real situation of affairs and the future prospects of the emigrants there—that they had been emigrated under a contract entered into for that purpose with persons who were represented as possessing every qualification and fitness for insuring the success of the experiment, but that nothing had been or would be paid them under it until the report of the agent should be received and found to justify it.

You but reiterate an assertion made by Mr. Charles K. Tuckerman, in one of his recent letters to the department, when you say that "by the original contract" the President agreed to pay fifty dollars each for transporting these negroes to the island, and that subsequently sundry conditions were introduced into the agreement, which were assented to in the expectation that the government intended to deal with the contractors in a spirit of equity.

It may be proper that I should correct the mistake under which you are evidently laboring. There never was but one contract made or thought of with Messrs. Forbes and Tuckerman. It was first drawn up by the Secretary of State, by direction of the President, and contained a proviso that the parties should, before embarking the emigrants on board their ship, procure from the Haytien government the required stipulation to make the emigrants citizens, to educate them, and to provide against their coming to want; and without these provisions no engagement could or would be made, and this was well understood by Mr. Tuckerman.

But that gentleman represented to me that time was of the utmost importance to Mr. Forbes and himself, and that if he was delayed the length of time necessary to obtain the required stipulation from the Haytien government, it would occasion great loss and disappointment to them, and he insisted upon an interview with the President, in the hope of obtaining his direction to have the proposed contract modified as he should propose. The interview was had, and he then proposed to transport the emigrants, but to receive no pay until he should procure the obligation of the Haytien government, and urged that his partner and himself were amply good for the contract they might make for the continued care and support of the emigrants. Upon the pressing importunity of Mr. Tuckerman, the President consented to have the contract reformed so as to meet his views, and I was directed to attend to having it done. It then became important to be advised of the pecuniary ability of the contractors and of their

character and fitness for their proposed undertaking. Mr. Tuckerman furnished the names of many gentlemen in New York, who, upon being applied to, gave us the most flattering and satisfactory testimonials in their favor on all the points upon which inquiry was made. The testimonials were exhibited to the President, and by his direction the contract was executed. Accompanying the contract sent them for signature was a letter from this department explanatory of its provisions, and informing them that the explanations contained in that letter would be regarded by the department as the true meaning of the contract, and that they must execute it with that understanding.

This is a substantial history of the whole transaction with Messrs. Forbes and Tuckerman, and I assure you that in nowise whatever were those gentlemen given to understand that they could in any manner obtain any compensation for any service they might render, or any outlay they might incur, unless it should be found that the contract entered into by them was fully performed. If they have performed the contract in letter or in spirit, as you allege, I have no information of it. You will perceive by its terms that I cannot enter upon the question of its performance until I shall have been furnished with the certificate of the Secretary of State, as therein provided.

Messrs. Forbes and Tuckerman were furnished, at the time, with a form of the certificate to be obtained from the Haytien government, which would be satisfactory to the Secretary of State, and upon which his certificate would be founded. They knew its importance and value to this government, and also knew, or ought to have known, whether they could obtain it from the Haytien government or not. Nothing was done by this government to persuade them that they could.

I infer from the tenor of your letter that you are, in some way, interested with Messrs. Forbes and Tuckerman in this. Candor induces me to inform you that when your name was proposed as one of the contracting parties by Mr. Tuckerman I declined to have it inserted; not because I was not well satisfied of your pecuniary ability to perform the contract, but because I did not think that your avocation and habits of life would induce you to persevere in the enterprise if it should prove disastrous and unprofitable, and in this apprehension, it now appears, I was not mistaken.

The inquiries respecting Messrs. Forbes and Tuckerman were not only as to their pecuniary ability, but particularly as to their character for humanity and general fitness for the very responsible undertaking in which they proposed to engage, and, as I have before said, the answers returned were most flattering and satisfactory. I am not willing, therefore, to believe that they will, in the face of their contract and the high character thus attributed to them, suffer these helpless beings to perish, no matter what it may cost them to take care of them, and must consider your note as unauthorized by them. They must be aware that the money to be paid them by the government is not withheld from any captious disposition to take advantage of the words of the contract, if it has been virtually performed, but because of a substantial non-compliance with its spirit and substantive requirements, to disregard which would be absolutely wicked.

It is impossible, if any regard is to be had to the contract, for this department to take any step towards paying Messrs. Forbes and Tuckerman what they claim to be due them, until it shall have been furnished with the required certificate of the Secretary of State. In the expectation that they would procure such certificate, I despatched an agent to Hayti to inspect the condition of the emigrants, and, if found to be favorable, to be prepared without delay to make payment.

I have endeavored, as briefly as possible, to inform you of the views entertained by the department respecting this affair, and to further insure you that it is not the intention of the government to hold Messrs. Forbes and Tuckerman responsible for the success of negro colonization, as by you supposed, but

only to the fair and honorable performance of their contract; and I regret to say that, according to the preponderating evidence now in the possession of the government, to admit its performance would be gross abuse, such as would cause every just man to exclaim against it. I hope to have a more favorable report from the agent referred to, but, if disappointed in that, I cannot believe that gentlemen of so exalted character as Messrs. Forbes and Tuckerman have been represented by their friends and acquaintances to possess, will disregard and repudiate their solemn and well-considered obligations to the government, and their good faith to the emigrants, and allow them to starve, and for no other reason than because they were oversanguine in their expectations, and have been disappointed in some of their calculations.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary*.

Mr. LEONARD W. JEROME,

46 *Exchange Place, New York city.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 18, 1863.

GENTLEMEN: Mr. Leonard W. Jerome, of New York, having, on the 12th instant, addressed a note to this department, stating that by the next steamer he should send out instructions to supply the emigrants to Ile à Vache with nothing more at your expense, I deem it proper to inform you that, as the government expects to comply with its obligations under the contract entered into with you, whenever it shall be satisfied that its conditions have been fulfilled by you according to its well-understood meaning, it expects that you will not abandon the emigrants in the manner threatened by Mr. Jerome.

Mr. Jerome is not known to this department as a party to the contract; but the adoption by you of the course threatened by him will be regarded as a final bar to all claim against the government on the part of the contractors.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary*.

Messrs. PAUL S. FORBES and

CHAS. K. TUCKERMAN,

No. 50 Wall street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 19, 1863.

SIR: Late last night I received your despatch of the 5th instant from Port au Prince, and accompanying papers, and hasten to reply by the steamer which leaves New York to-morrow.

I have informed Messrs. Forbes and Tuckerman that it is their duty, and that the department expects them, to continue to provide for the emigrants; but if they fail to do so, it is the wish of the department that you should so care for them, at the expense of the government, as to protect them from suffering, and draw upon the department for the amount necessary for that purpose. It is expected, of course, that you will practice every prudence and economy.

Should the state of your health interfere with the discharge of these duties, you will invoke the assistance of Mr. De Long, the United States consul, who will, no doubt, cheerfully aid you. It is probable that immediate provision will be made for the return of the emigrants to the United States.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary*.

D. C. DONNOHUE,

Special Agent, Aux Cayes, Hayti.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 19, 1863.

GENTLEMEN: After writing you on yesterday, I received, per last steamer from Port au Prince, a partial report from the agent recently sent by this department to Hayti to look into the condition of the emigrants to Ile à Vache, and have been much pained to find it too confirmatory of the allegations heretofore made of their destitution and suffering. Their situation is represented as most deplorable, and their treatment by your agents as inhuman.

You engaged to treat these poor creatures kindly—to provide for them for five years, and to protect them from suffering and want, and without payment for their transportation until you should have procured from the Haytien government the certificate mentioned and described in your contract. The government expects you to do this, and in view of the high character given you by the distinguished friends to whom you referred, I cannot allow myself to believe that you will forfeit the solemn trust, and I therefore hasten to acquaint you with the purport of the agent's report in time for you to provide a remedy for the existing evils by the next steamer hence for Hayti.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. PAUL S. FORBES and
CHAS. K. TUCKERMAN,
No. 50 Wall street, New York.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,

Washington, January 22, 1864.

ROBERT MURRAY, *U. S. Marshal, New York:*

Please ascertain from Messrs. Waldron & Booth, No. 57 Broad street, whether their steamer Saladin has arrived from Port au Prince and returned, and reply by telegraph.

J. P. USHER, *Secretary.*

Charge Department Interior.

GEO. C. WHITING, *Acting Chief Clerk.*

DEPARTMENT OF THE INTERIOR,

Washington, January 24, 1864.

SIR: I have just received by the steamer which reached New York on yesterday your several letters of the 3d and 5th of the present month.

As the steamer will probably start on her return trip immediately, I hasten to inform you that I shall, without delay, propose to the President to have a vessel properly fitted out and sent to à Vache to bring the emigrants back to the United States; and, if I find it possible, will advise you of the result by the present mail. Meantime you will continue to protect and provide for the emigrants in accordance with your previous instructions, which I see no occasion at present to modify or enlarge.

I have learned with pleasure of your restoration to health, and of your arrival at à Vache in time to arrest the sufferings of the emigrants.

Should I have no further opportunity of communicating with you before the departure of the transport I propose to send to the emigrants, I hope as little delay as possible will occur in their embarkation.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

D. C. DONNOHUE, Esq.,

Special Agent, &c., Ile à Vache, Hayti.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,

Washington, January 25, 1864.

Messrs WALDEN & BOOTH, *No. 27 Broad street, N. Y. :*

When will your steamer again sail for Port au Prince? Answer by telegraph.

J. P. USHER, *Secretary.*

Charge Department of the Interior.

GEORGE C. WHITING,

Acting Chief Clerk.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 25, 1864.

SIR: I have the honor to transmit herewith, for your perusal, copies of several letters, official and unofficial, just received from Mr. D. C. Donnohue, the special agent sent to examine into and report upon the condition of the emigrants to the island of à Vache, together with copies of the letters of instruction addressed to him, from time to time, by the department.

I had previously received other letters from Mr. Donnohue, but they having been written prior to his reaching the island, and therefore not so definite, I have not thought it necessary to trouble you with their perusal.

I purpose doing myself the pleasure of calling upon you on this subject in the course of the day, and meantime hope your engagements will permit you to glance over these papers.

I am, sir, with much respect, your obedient servant,

J. P. USHER, *Secretary.*

Hon. WILLIAM H. SEWARD,

Secretary of State.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 27, 1864.

SIR: On the 1st of February last the sum of \$200 was advanced to you from the colonization fund by direction of the President.

A committee of the Senate having called on the President for a statement of the expenditures made from that fund, I have to request that you will render to this department your account for the same, accompanied by proper vouchers, as soon as possible, for settlement.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

• Rev. R. R. GURLEY,

Corresponding Secretary,

American Colonization Society, Washington, D. C.

DEPARTMENT OF THE INTERIOR,

*Washington, February 1, 1864.*WALDEN & BOOTH, 57 *Broad street, New York :*

Has your steamer sailed for Port au Prince? If not, when will she leave?
Answer by telegraph.

J. P. USHER, *Secretary.*

Charge Department of Interior.

HALLET KILLBOURNE,
Chief Clerk.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 1, 1864.

SIR: In the execution of the acts of Congress of April 16 and July 16, 1862, providing for the deportation and colonization beyond the limits of the United States of certain classes of persons of African descent, therein described, and pursuant to the directions of the President of the United States, this department entered into a contract with Paul S. Forbes and Charles K. Tuckerman, on the 6th of April last, for the transportation and colonization of five hundred such persons, on the Ile à Vache, in the republic of Hayti. Under this contract four hundred and fifty-three emigrants are alleged to have been taken from Fortress Monroe and landed on Ile à Vach. Of these about two hundred and ninety-two (292) remain on the island, (about 225 of whom are said to be stout, active young men,) and about seventy-three are at Aux Cayes and its vicinity; the remainder having died or wandered off.

The contractors having failed to carry out their contract, and the emigrants having been overtaken with destitution and suffering, this department sent out a special agent to care for them. He reports the emigrants as unanimously desirous of returning to the United States; and it being found impossible to make any satisfactory arrangement for their remaining in Hayti, that course has finally been determined upon as the only alternative. I have therefore to request, if practicable, that you will order a suitable transport to Aux Cayes for that purpose. I would further suggest that you select a competent person to act as quartermaster for the occasion, with instructions to provide sufficient food and clothing for the emigrants on the voyage, and keep an accurate detailed account of his expenditures, for payment by this department out of the appropriation for colonization purposes.

I am, sir, with much respect, your obedient servant,

J. P. USHER, *Secretary.*

Hon. EDWIN M. STANTON,

Secretary of War.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 2, 1864.

SIR: I have to request that you will send me, as soon as possible, all the papers and correspondence in your possession having reference to the colonization of persons of African descent.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*Rev. JAMES MITCHELL, *Present.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 2, 1864.

SIR: Since the call made upon the President by the Committee on Territories of the Senate for information in reference to the subject of colonization, which I orally mentioned to you a few days ago, the Senate, by resolution, has requested the President to inform that body "whether any portion of the appropriations for the colonization of persons of African descent now residing in the District of Columbia to Hayti, Liberia, and so forth, has been expended, and what steps have been taken to execute the provisions of the acts of Congress relating to the colonization of persons of African descent."

It is the desire of the department to answer this call as fully and promptly as possible, and to enable it to do so, I respectfully request that your accounts, for the advance made to you as special agent, in September, 1862, may be made up at the earliest day practicable, and transmitted to this department, it being already prepared in other respects to respond to the Senate resolutions.

I am, sir, with much respect, your obedient servant,

J. P. USHER, *Secretary.*

Hon. S. C. POMEROY,
Senate of the United States.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 2, 1864.

SIR: Referring to my letter of the 24th, in reply to yours of the 3d and 5th instant, I have now to inform you that it has been determined to return the emigrants at Ile à Vache and its vicinity to the United States without delay, and that the Secretary of War has been requested to despatch one of the transports in the service of his department to Aux Cayes for that purpose, supplied with the requisite clothing and stores for the voyage. The vessel may be expected to arrive soon after the receipt by you of this letter. You will, therefore, hold yourself in readiness to embark with the emigrants immediately on her arrival. Her commander, or the quartermaster who may accompany her, will be advised of the place of landing in the United States.

Immediately on your arrival you will repair to Washington and make report of your operations, and render your account for any expenditures you may have incurred under instructions from this department.

In order to avoid the possibility of any difficulty or embarrassment from any quarter, it is suggested that no more publicity be given to the movement in contemplation than may be unavoidable.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

D. C. DONNOHUE,
Special Agent, &c. &c., Ile à Vache, Hayti.
 (Care U. S. consul at Aux Cayes, Hayti.)

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 3, 1864.

SIR: On the 28th ultimo the Senate passed a resolution calling upon the President of the United States for certain information relating to the colonization of persons of African descent. The President referred that resolution to me for report. To enable me properly to prepare that report, the papers now in your

custody, relating to the subject of colonization, were found to be essentially necessary, and in answer to my letter of yesterday I have your extraordinary communication of this date. In reply to it I have only to say that you will send me the papers in question without further delay, or advise me at once of your refusal to do so.

Very respectfully, &c.,

J. P. USHER, *Secretary.*

Rev. JAMES MITCHELL, *Present.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 4, 1864.

SIR: As I informed you on yesterday, the President has referred to me for report a Senate resolution of the 28th ultimo, calling upon him for certain information relating to the colonization of persons of African descent. Your letter of appointment as agent, to aid in the execution of certain laws of Congress on the subject of colonization, is dated the 4th of August, 1862, and defines your duties. The papers you have been requested to send me are such as have come into your official possession or under your control, since that date, relating to the colonization of persons of African descent. I have now to request you to say whether you have sent me all the papers called for of this character, and if not, that you will do so at once. Whatever copies of them I may find occasion to use I will have prepared. I do not want any of your private letters, and have made no request for them.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Rev. JAMES MITCHELL, *Present.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 5, 1864.

SIR: Upon the arrival of the ship Maria C. Day you will receive from her commander the packages of clothing sent for the colored people under your charge, and distribute the same to them according to their respective wants, and prepare them, with the least possible delay, to embark upon the ship, and return with them.

After the emigrants shall have embarked, and until they are landed, they, as well as yourself, will be under the charge and direction of the quartermaster.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

D. C. DONNOHUE, Esq.,

Special Agent of the Department of the Interior,

Ile à Vache, Hayti.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 5, 1864.

SIR: You will proceed to New York forthwith and purchase, on account of this department, suitable clothing for three hundred and sixty-five (365) persons of assorted sizes. The design is to purchase that which is substantial and least expensive; consequently, style and color are of no importance.

You will ship the same in packages, consigned to D. C. Donnohue, at Aspinwall, per vessel now lying in the port of New York.

I recommend that you call upon Messrs. Cronin, Herxthal & Sears, contractors with this department, and solicit their aid and advice in the purchase of the goods. The utmost despatch is desired.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

HALLET KILBOURN, Esq.,

Chief Clerk, Department of the Interior.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 5, 1864.

SIR: You have this day been directed to proceed to New York and purchase certain clothing on account of this department. When the purchases shall have been completed, and the articles delivered as per your agreement, you will approve and certify the bills, and they will be paid on presentation at this department.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

HALLET KILBOURN, Esq.,

Chief Clerk, Department of the Interior.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 10, 1864.

GENTLEMEN: I have to inform you that the bill of goods purchased for account of this department by Hallet Kilbourn, esq., which accompanied your letter of the 9th instant, amounting to \$900, has been approved and referred to the First Auditor of the Treasury for settlement.

You will receive a draft for the amount in good time.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. CRONIN, HERXTHAL & SON,

Nos. 118 and 120 Duane street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 12, 1864.

GENTLEMEN: I have to inform you that your account, amounting to \$1,786 33, for goods purchased by Hallet Kilbourn, esq., per order of this department, has been approved and referred to the First Auditor of the Treasury for settlement.

A draft for the amount will be remitted to you in due time from the treasury.

I am, gentlemen, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. HERXTHAL & BARNUM,

20 and 22 Murray street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 23, 1864.

SIR: The Secretary of State has submitted, for my perusal, your communication of the 17th instant.

The answer to your letter of the 7th instant to this department was delayed for the report of the agent, Mr. Donnohue, whose return from the Ile á Vache was then daily expected, with the hope of then answering you definitely, respecting your demand for compensation for transporting the persons of color to that island.

Mr. Donnohue has returned, but has not yet submitted his report. I have reason to expect that I shall have it this week. As soon as I have the report, it will be submitted to the President, with the contract and accompanying documents, for his advice and direction.

If you shall intimate a desire to be furnished with a copy of the report, before the same is submitted for the action of the President, in order that he may have the benefit of any suggestion that you may think it for your interest to make in the matter, I shall take pleasure in causing a copy thereof to be prepared and sent you.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 25, 1864.

GENTLEMEN: I have to inform you that I have this day drawn a requisition upon the treasury of the United States in your favor for \$203 $\frac{10}{100}$ in American gold, in payment of the draft of D. C. Donnohue, special agent of this department, in favor of Mr. John H. Hadley, and indorsed to you.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. BURNETT, DRAKE, & Co.,

No. 88 State street, Boston, Massachusetts.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 25, 1864.

GENTLEMEN: I have this day drawn a requisition upon the treasury of the United States in your favor for \$877 $\frac{05}{100}$ in American gold, in payment of the draft of D. C. Donnohue, special agent of this department, which accompanied your letter of the 23d instant.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. WILSON & CAMMANN, *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 31, 1864.

SIR: In compliance with a request from Mr. Frank Henry, I send you the accompanying copy of my report of the 11th instant, in response to a resolution of the Senate calling for information as to what steps had been taken for the execution of the acts of Congress providing for the colonization of persons of African descent. Neither the report nor the papers which accompanied it have yet been printed (except the report made by me on the 7th instant, in answer to an inquiry from the Senate Committee on Territories, a copy of which I send herewith) and the latter are too voluminous to be copied—being the entire correspondence of the department on the subject.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. J. RAYMOND, *New York.*

Ex. Doc. 55.—4

DEPARTMENT OF THE INTERIOR,

Washington, April 5, 1864.

SIR: With this I send you a copy of the report of Mr. D. C. Donnohue, the special agent sent by the department to the island of á Vache, and of the accompanying papers, excepting those of which you are already possessed, being the memorandum furnished by you to your agent, Mr. Ripka, of which you seem to have preserved a press copy, and a specimen of the paper currency of Bernard Kock, which is also signed by Mr. Ripka.

I also acknowledge the receipt of your letter of the 26th ultimo, accompanied by your printed pamphlet of the 12th of January last, which, being "held for postage," only reached me on the 2d instant.

The latter paper I have carefully read, and regret to find it my duty to say that in my judgment the President will not find it accurate in any important particular, so far as it is designed to favorably affect your case.

I will repeat to you some of the difficulties which it seems to me the President will have to encounter in an effort to direct the payment of the money which you demand out of the fund appropriated for colonization purposes. You had a special contract, and very properly do not pretend to have performed it so as to give you any legal right to demand money. Consequently, if you have not an equitable right to the money specified to be paid in your unperformed contract, you are without remedy. Now what is your supposed equitable case? You say that you and your associates engaged in the enterprise because Kock, among other false representations as to the island, alleged that he had a contract with the President for colonizing the blacks under it, and that upon this representation and the exhibition of what purported to be a copy of a contract, you advanced large sums of money. You do not pretend that he ever exhibited to you a contract signed by the President, in his own proper hand, but admit that the paper he did exhibit to you, as a copy, was false, as you afterwards learned and stated in your memorandum to Mr. Ripka. It will be most difficult to convince the President that gentlemen possessed of the intelligence of yourself and associates would have advanced the sums of money which you say you did upon the representation of Kock, when you could have learned the truth at any time by inquiry in the proper quarter, and he will discover by looking into your memorandum annexed to the report of Mr. Donnohue, that the "object to be attained was this cultivation of Sea Island cotton, and that if Mr. Forbes and his associates would enter into the enterprise, he (Kock) would positively guarantee to them one thousand bales of Sea Island cotton before the first day of September, 1863."

The false paper alleged to have been exhibited to you by Kock not having been submitted for the inspection of the President, it is impossible for him to conjecture what it contained; but it seems incredible that you should have been duped with a pretended copy of a contract for colonization, which should have purported upon its face to have permitted Kock to impart interests to others in it, as you must have known that such a contract would necessarily be based upon personal confidence, and, therefore, not the subject of transfer; and if it had been of that character, you will readily perceive that every one must admit that any advance which you might have been induced to make on account of it was based upon your confidence in Kock, and no equity would arise in your favor against the government. So that in the very inception of the case upon which you apprehend that you are entitled to the equitable consideration of the President, it appears that your alleged advance to Kock must be held to have been incautiously made, and when the object of the advance, as stated in your memorandum to Mr. Ripka, was the cultivation of cotton, &c., the allegation that it was made on account of the supposed contract of Kock with the Presi-

dent will appear to be an after-thought to cover losses incurred in an improvident enterprise.

In vain we further search into this affair for equitable considerations in your favor. Deception was practiced upon the emigrants to get them on board the vessel. Many of them were not of the description specified in the contract. They were placed under the control of Kock, who, you were well aware, was obnoxious to the government, for the faults were true, viz: a total want of integrity and ability to carry out the project with any success. The emigrants, suffering from thirst on the voyage, were compelled to pay out of their own earnings for the water they drank. Instead of using your money in constructing them houses and providing for their comfort, as the contract plainly required you to do, and as the very respectable gentlemen in New York who testified in your behalf gave the comfortable assurance you would, a portion of it, and which you now ask to have reimbursed, was expended in the purchase of handcuffs and leg-chains, and the erection of some six pairs of stocks for their punishment, and some of them are now, as I have good reason to believe, maimed for life by their inhuman treatment.

True, you state in your pamphlet that "his (Kock's) system of punishing the refractory was absurd and ineffectual." I confess this appears to be an ugly feature in the case, and very perplexing in any effort to bring the mind to the conclusion that you have equities growing out of this transaction; and when you consider that in all your outlays, not a solitary house was built for the emigrants, and that they did not have the benefit of any while on the island, except the miserable huts they managed to erect for themselves; that all the money they possessed Kock got from them in one form or another, and that neither he nor you ever paid them a single dollar for all the labor they performed upon the island, it appears to me that you must be convinced there is no ground, in law or equity, to justify the President in paying you anything.

I would not forget to remind you that you are as much in error respecting the adaptation of the island for colonization purposes as for others. It was represented by Mr. Ripka as being too dry to produce any crops. It doubtless appeared so to him, but that he was mistaken is plain from the very intelligent statement of Mr. Willson, of New York city, which is now on file in the department, and the experience of Mr. Donnohue, who was nearly three months upon the island.

The specimen of cotton brought back by him, which had barely sprung from the ground at the period of his arrival, and which grew to maturity while he was there, but too completely attests the fertility of the island and its suitability for the colony.

Every unprejudiced person who will carefully examine all the evidence in relation to this affair will be convinced that the enterprise could have been made a success with a moiety of the money you say you expended, if it had been conducted with ordinary prudence and ability; but you made Kock your special partner and gave him the control of the colonists. You were aware of the aversion with which this man was looked upon, and it was, in my judgment, bad faith toward the President for you to give him your confidence to the extent you did; and while you have suffered because of it, consider the sufferings and losses of the colonists, brought upon them by your placing him over them, and that, too, after you were fully warned of his unworthiness, and now acknowledge that he deceived you from first to last; and consider also the fate that would have overtaken these helpless and too confiding creatures but for the watchfulness of the government over them and its determination to protect them.

The treacherous misconduct of this man toward the emigrants and the sufferings they endured on account of it, added to the fact that there was an absence of sympathy between them and the citizens of Hayti, made them quite

unwilling to remain in that country. This was contrary to my expectations, as you will perceive upon examining my instructions to Mr. Donnohue.

You have already been assured that the sum stipulated in your contract would be paid whenever it should appear that you had performed it in letter or spirit, and I assure you that neither on this nor any former occasion have I considered the case with a design of raising obstacles to the payment of the money.

It being admitted that the contract was not and could not be performed by you, I entertained the hope that Mr. Donnohue would be enabled to make some suitable provision for the colonists to remain upon the island, and so justify the payment of the stipulated sum, or some part of it, to yourself and associates. But you will perceive from a perusal of the report his inability to carry out the views of the department in that particular. This was owing to the mismanagement of Kock and the consequent troubles with some of those in authority there, and the indisposition of the Haytien authorities to allow them to remain on the island on such terms as would make their condition at all corresponding to that contemplated in the agreement with you; and then I am unable to bring my mind to the conclusion that the President would be justified in directing the payment of any sum to you according to any known principles of justice or equity. All the papers which seem to bear upon the questions, and any others that you may see proper to submit, will be laid before the President for his consideration.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 7, 1864.

SIR: In compliance with the request conveyed by your note, of the 5th instant, I herewith send you the paper "on the relation of the white and African races in the United States," which was referred to in my letter to the President of the 7th ultimo, as an item of charge against the colonization fund. You will observe that it is not an official document.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

J. F. BUCKLEY, Esq.,

P. O. Box No. 773, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 8, 1864.

SIR: In compliance with the request therein contained, I hereby acknowledge the receipt of your communication of yesterday's date.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 9, 1864.

SIR: On the 26th ultimo, requisitions were sent from this department for the payment, in coin, of two drafts drawn by D. C. Donnohue, the special agent sent

to Ile à Vache, republic of Hayti, to provide relief and protection for the freedmen of the United States, who had emigrated thither under a contract with the government—one being for two hundred and three dollars and ten cents, and the other for eight hundred and seventy-seven dollars and five cents; both made payable in American gold.

Messrs. Burnett, Drake & Co., of No. 88 State street, Boston, to whom the first mentioned draft was payable, by indorsement, have returned to this department the treasury draft—No. 5882, Interior—on the Assistant Treasurer of the United States at Boston, because it did not specify coin; and I understand that, for the same reason, Messrs. Wilson and Cammann, of New York city, to whom a treasury draft for the \$877 05 was sent, have returned it to your department.

Mr. Donnohue was authorized to draw upon this department for funds to carry out the instructions which had been given him for the care of the emigrants, and was, in consequence of the fluctuations in the price of gold, obliged to negotiate his drafts for Haytien currency, at the rate of thirteen for one of American gold—an arrangement, he considered, most favorable to the United States.

Under these circumstances, I indorsed a special request, on the requisitions referred to, that they might be paid in American gold, and have now the honor to request that you will direct that the treasury drafts in question may be paid to the holders thereof in coin.

I am, sir, with much respect, your obedient servant,

J. P. USHER, *Secretary.*

Hon. SALMON P. CHASE,

Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 15, 1864.

GENTLEMEN: In reply to your letter of the 12th instant, I have to state that I addressed a letter to the Secretary of the Treasury, on the 9th instant, urging the payment of the draft of Mr. Donnohue, to which you refer, in coin, and although no reply to that letter has yet been received, I presume it will be done.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. WILSON & CAMMANN, *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 18, 1864.

GENTLEMEN: In reply to your letter of the 15th instant, I have to state that on the 9th instant I referred your letter of the 22d ultimo, with the treasury draft which accompanied the same, to the Secretary of the Treasury, and urged the payment of the same in coin. I have had no reply from the Secretary, but presume the draft will be paid in coin, as requested.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. BURNETT, DRAKE & Co.,

Boston, Massachusetts.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 26, 1864.

GENTLEMEN: Your letter of the 23d instant, enclosing draft of D. C. Donnohue, special agent, in favor of Brown, Ross & Co., for \$33 60 in gold, payable by indorsement to you, has been received. Proper steps for its payment will be taken without delay.

The draft for \$877 05, to which you refer, is in the possession of this department, having been transmitted hither by the Secretary of the Treasury, with his letter of the 20th instant, declining to pay these drafts in coin, agreeably to the authorized understanding with which they were drawn.

I am not prepared at present to say how these drafts will be paid.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. WILSON & CAMMANN, *New York City.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 5, 1864.

GENTLEMEN: Herewith I return you the treasury draft No. 5883, in your favor, for \$877 05, which you returned to the Treasurer of the United States on the 5th ultimo, because it was not made payable in coin.

The Secretary of the Treasury informs me that he does not feel authorized to order the payment of this draft in coin, but suggests that this department procure the coin for that purpose.

I suggest that you collect the face of this draft, and then make out against the United States, and send to this department, an account for the difference between gold and currency. On its receipt the account will be approved by me and referred to the treasury for settlement and payment to you.

This course has been suggested at the treasury as the most convenient one that can now be pursued.

I am, very respectfully, your obedient servant,

J. P. USHER.

Messrs. WILSON & CAMMANN, *New York.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 5, 1864.

GENTLEMEN: Herewith I return you the treasury draft No. 5882, in your favor, for \$203 10, which was transmitted to this department with your letter of the 6th ultimo because it was not for coin, as called for by the draft of Special Agent D. C. Donnohue.

The Secretary of the Treasury informs me that he does not feel authorized to pay the amount of this draft in coin, but thinks this department should provide the coin.

I suggest that you collect the face of the enclosed draft, and then make out against the United States, and forward to this department, an account for the difference between gold and currency. On the receipt of that account it will be approved and referred to the treasury for settlement and payment to you.

This course has been suggested at the treasury as the most convenient one that can now be pursued.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

BURNETT, DRAKE & Co.,
Boston, Massachusetts.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 5, 1864.

GENTLEMEN: Enclosed please find the draft of D. C. Donnohue, special agent of this department, in favor of Brown, Ross & Co., for \$33 60 in American gold, which accompanied your letter of the 23d ultimo.

For the reasons stated in my letter to you of this date, respecting treasury draft No. 5883, for \$877 05, I have to request that you will make out an account against the United States for the value of this gold draft in currency, append the draft thereto and forward it to this department, when it will be approved and referred for settlement and payment.

I am, gentlemen, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. WILSON & CAMMANN, *New York.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 9, 1866.

GENTLEMEN: I have to acknowledge the receipt of your two letters of the 6th instant, and to state that the accounts which accompanied the same, one amounting to \$675 33 and the other for \$57 12, have been approved and referred to the Fifth Auditor of the Treasury for settlement.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. WILSON & CAMMANN, *New York.*

P. S.—The report of special agent Donnohue, respecting Ile à Vache, has not yet been printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 9, 1864.

D. C. Donnohue, special agent to Ile à Vache, was authorized to draw upon the department for gold. The Secretary of the Treasury, however, did not feel authorized to pay in gold, but suggested that this department should provide the gold. Wilson & Cammann have presented this account for gold draft for \$33 60 and premium thereon, in accordance with the suggestion of the department. The account is, therefore, hereby approved and referred to the Fifth Auditor of the Treasury for settlement, payment to be made from the appropriations for colonization purposes.

J. P. USHER, *Secretary.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 9, 1864.

D. C. Donnohue, special agent to Ile à Vache, was authorized to draw upon the department for gold. The Secretary of the Treasury, however, did not feel authorized to pay in gold, but suggested that this department should provide the gold. Wilson & Cammann have received a treasury draft for \$877 05 in currency, and now present this account for the premium, in accordance with the suggestion of the department. The account is, therefore, hereby approved and referred to the Fifth Auditor of the Treasury for settlement, payment to be made from the appropriations for colonization purposes.

J. P. USHER, *Secretary.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 11, 1864.

GENTLEMEN: I have to acknowledge the receipt, this morning, of your letter of the 9th instant, enclosing an account for the difference between the value of the treasury draft enclosed to you on the 5th instant and gold, amounting to \$144 20, and to inform you that the account has been approved by me and referred to the proper accounting officers of the treasury for settlement and payment.

I am, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Messrs. BURNETT, DRAKE & Co., *Boston, Mass.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 11, 1864.

D. C. Donnohue, special agent to Ile à Vache, was authorized to draw upon this department for gold. The Secretary of the Treasury, however, did not feel authorized to pay in gold, but suggested that this department should provide it. Burnett, Drake & Co. have received a treasury draft for \$203 10 in currency, and now present this account for the premium, in accordance with the suggestion of the department. The account is, therefore, hereby approved and referred to the Fifth Auditor for settlement, payment to be made from the appropriations for colonization purposes.

J. P. USHER, *Secretary.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., June 29, 1864.

SIR: On the 25th of March last the Senate passed a resolution in the following words, viz:

"*Resolved*, That the President of the United States be requested to furnish to the Senate the report of the Commissioner of Emigration for 1863, with his account of the existing contracts and other necessary information on the question of emigration."

This resolution you referred to this department, with a request for the report therein called for. In reply, I have the honor to state that I am not aware of the existence of any such office as that of "Commissioner of Emigration," and consequently that no such official document as that alluded to by the resolution of the Senate has been or could have been made.

On the 11th of March last I had the honor to submit to you a report, in answer to a resolution adopted by the Senate, in January of the present year, requesting you to inform the Senate, if not, in your opinion, incompatible with the public interest, whether any portion of the appropriation for the colonization of persons of African descent residing in the District of Columbia in Hayti, Liberia, and so forth, had been expended, and what steps had been taken to execute the provisions of the acts of Congress relating to colonization. In consequence of the importance which had been attached to the subject, I availed myself of that occasion to lay before you the entire correspondence of the department on the subject of colonization, together with copies of all the contracts or agreements which had been made, and an abstract of the expenditures which had been incurred up to that date. That report was promptly communicated by you to the Senate, but has not yet been printed, so far as I am informed.

No further agreements have been entered into, and no further efforts made, looking to the colonization of persons of African descent beyond the limits of the United States ; so that the Senate, by the official report from this department of March 11, 1864, before referred to, is in possession of all the official documents and information on the subject which it is in the power of this department to communicate.

I have the honor to be, with great respect, your obedient servant,
J. P. USHER, *Secretary.*

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., August 11, 1864.

SIR: In reply to your letter of the 1st instant, addressed to the Secretary of the Treasury and referred to me from that department, I have to state that since the passage of the act of Congress making treasury notes a legal tender, all payments to the American Colonization Society for the support of recaptured Africans in Liberia have, like all other payments to be made in the United States, been made in that currency. I regret that it is not in my power to afford or to point you to any relief in the premises.

I am, sir, very respectfully, your obedient servant,
J. P. USHER, *Secretary.*

E. J. ROYE, Esq.,
115 Wall street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., September 21, 1864.

SIR: I have received your letter of yesterday, enclosing the paper which C. K. Tuckerman, esq., of New York, addressed to you under date of the 19th instant, relative to matters connected with the settlement of negroes in Hayti. The subject will be brought to the notice of the Secretary of the Interior on his return.

I am, sir, very respectfully, your obedient servant,
W. T. OTTO,
Acting Secretary of the Interior.

Hon. WILLIAM H. SEWARD,
Secretary of State.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 16, 1864.

SIR: During the years 1860 and 1861 this department, in virtue of the authority conferred upon the President by the act of Congress approved June 16, 1860, entitled "An act to amend an act entitled 'An act in addition to the acts prohibiting the slave trade,'"—(Stat. at Large, vol. xii, p. 40)—entered into four several contracts with the American Colonization Society for the support, for one year, of a large number of Africans—about five thousand in all—who had been recaptured on the high seas by armed vessels of the United States, and by order of the government taken into the republic of Liberia. By the terms of these contracts the United States agreed to pay at the rate of \$100 per

annum for each African over the age of eight years, and at the rate of \$50 per annum for each one under that age. The payments were to be made monthly for the first three quarters of the year, the recaptives were to be supported, for every African landed in Liberia, without regard to age. The payment for the last quarter was to be deferred until the end of the quarter, and until a certificate should be produced from the agent of the United States setting forth the number of Africans fed, clothed, and sheltered during each month in the year, and that the contract had otherwise been faithfully executed by the society. The object for deferring the payment of the last quarter was to enable the department to deduct from the amount which might become due for the last quarter any sums found to have been overpaid during the first three quarters. Prior to the termination of these contracts the American Colonization Society, at the instance of the Liberian authorities, as is understood, entered into an agreement, or sub-contract, with the government of Liberia, by which that government assumed the guardianship of the recaptives, and the obligations which the Colonization Society had engaged with the United States to perform towards them—the payments by the United States continuing, however, to be made, as previously, to the American Colonization Society. In my annual report of the 5th of December, 1863, I referred to this subject as follows, viz: "The accounts of the American Colonization Society for the support of recaptured Africans in Liberia have not yet been finally settled, owing to the imperfect manner in which they have been kept by the resident agent of the United States in that republic, and by the Liberian authorities after the transfer of the recaptives to them. The information and facts required to be regularly reported, not having been recorded and preserved by them, it is feared they cannot now be obtained with the accuracy of detail contemplated by the strict terms of the contracts, and hence it is respectfully recommended that the department be authorized by law to adjust and settle the accounts on equitable principles."

The department has no reason to suppose that the terms of the contracts have not been faithfully fulfilled and the welfare of the recaptives duly cared for, but, in consequence of the omission referred to, it is found to be impossible to effect a final settlement of the accounts without the aid of further legislation on the subject.

I am satisfied that there is a balance equitably due to the republic of Liberia through the American Colonization Society, which that government is anxious to have paid; and with a view to the only practicable mode of settling the accounts, I submit to you the accompanying draught of a joint resolution for the consideration of the Committee on Foreign Relations.

I have the honor to be, with much respect, your obedient servant,

J. P. USHER, *Secretary.*

Hon. CHARLES SUMNER,

Chairman of the Com. on Foreign Relations,

United States Senate.

JOINT RESOLUTION to facilitate the adjustment of certain accounts of the American Colonization Society for the support of recaptured Africans in Liberia.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to adjust and settle the accounts of the American Colonization Society for the support of recaptured Africans in Liberia, under contracts made for that purpose, under the authority of the act of Congress approved June 16, 1860, on the principles of equity.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 3, 1865.

DEAR SIR: I have sent Mr. Whiting up to call your attention to the joint resolution submitted to you, with my letter of the 16th of December last, for the settlement of the accounts of the American Colonization Society for the support of recaptured Africans in Liberia on the principles of equity.

Whatever balance may be due from the United States goes, in fact, to the government of Liberia, and the passage of the resolution proposed is indisputably necessary to enable the department to settle the accounts justly, or, indeed, at all.

Yours, truly,

J. P. USHER, *Secretary.*

Hon. CHAS. SUMNER, *United States Senate.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 11, 1865.

SIR: It is desirable, and no doubt important to yourself, that a settlement of the account of the government with you for the \$25,000 advanced for colonization purposes should take place at an early day, and I hope you will have time to attend to it before you leave the city.

Very respectfully, your obedient servant,

A. P. USHER, *Secretary.*

Hon. S. C. POMEROY, *United States Senate.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 19, 1865.

SIR: If I mistake not, you read to me, some time since, an opinion of the Attorney General respecting the claim of Mr. James Mitchell to compensation, as agent to aid in the execution of the acts of Congress providing for the colonization, beyond the limits of the United States, of certain persons of African descent. Will you be kind enough, at your earliest convenience, to cause me to be furnished with a copy of that opinion for the use of this department in a case now pending.

I am, very respectfully, your obedient servant,

W. T. OTTO,

Assistant Secretary.

J. H. ASHTON, Esq.,

Assistant Attorney General U. S.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., May 27, 1865.

SIR: James Mitchell presented on the 15th instant to this department an account for salary as Commissioner of Emigration to that date and from the first day of July, 1864, at the rate of eighteen hundred dollars (\$1,800) per annum.

President Lincoln gave to Mr. Mitchell a letter of appointment, dated August 4, 1862; and on the 12th day of September of that year an order was issued by the President charging this department with the execution of par-

ticular sections of certain acts of Congress. Copies of said letter and of said order are herewith enclosed.

The Secretary of the Interior, by order dated the first day of December, 1862, fixed the compensation of Mr. Mitchell at \$1,800 per annum. A copy of his order is herewith enclosed.

Mr. Mitchell was paid his salary out of the appropriation mentioned in the Secretary's order from August 4, 1862, until June 30, 1864. The officers of this department receive their salary in monthly instalments.

His account for the month of July, 1864, was presented at this department, and payment thereof refused. He has received from this department no compensation since said thirtieth day of June.

It does not appear from the records of this department that the President's letter of appointment has ever been revoked, nor what, if any, services Mr. Mitchell has rendered since said thirtieth of June.

The sections of the acts mentioned in the President's order of September 12, 1862, were repealed by the act approved July 2, 1864. (13 Stat., 352, sec. 7.) I invite your attention to the 12th section of the act approved July 17, 1862. (Id., p. 592.) Mr. Mitchell claims that the 12th section of the act approved June 7, 1862, (Id., p. 424,) has some bearing upon his claim.

Upon the foregoing statement I have the honor to submit for your consideration and opinion the following questions :

1. Is Mr. Mitchell entitled to his salary from July 2, 1864, at the rate fixed by the Secretary's said order of December 1, 1862?

2. Are the appropriations made by the act of the 16th of April, 1862, and the act of July 16, 1862, applicable to the payment of such salary?

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

Hon. JAMES SPEED,

Attorney General of the United States.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., June 3, 1865.

SIR: The Attorney General of the United States has, at my request, given an opinion touching your claim to the salary mentioned in the account which you presented to this department on the 15th ultimo.

His opinion is adverse to my power to pay you such salary, if any has accrued since the 2d day of July last; your claim, therefore, so far as it depends upon the action of this department, must be consequently rejected.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

Rev. JAS. MITCHELL,

Washington City, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., June 14, 1865.

SIR: In reply to your letter of the 6th ultimo, I herewith transmit a copy of the Attorney General's opinion of the 2d instant, relative to the subject of your claim against the United States.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

Rev. JAS. MITCHELL,

Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 20, 1865.

SIR: In reply to your letter of the 18th instant, I have to state that the Attorney General having decided that there are no funds out of which a salary could be paid for such service as you contemplate, I could not recommend the appointment you name.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

REV. JAS. MITCHELL,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, enclosing a note addressed to you on the 28th ultimo, by Mr. Charles K. Tuckerman, of New York, relative to his claim against the United States, under a contract made by this department with himself and Mr. Paul S. Forbes, for the colonization of the Ile à Vache, and to state that said claim will be taken up at an early day and disposed of.

I am, sir, with much respect, your obedient servant,

JAMES HARLAN, *Secretary.*

SECRETARY OF STATE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 26, 1865.

SIR: I have the honor to inform you that a careful examination has been made of the contract entered into between "John P. Usher, Secretary of the Interior, on the one part, and Paul S. Forbes and Charles K. Tuckerman, of the city of New York, on the other part," bearing date April 6, 1863, as well as the correspondence which preceded and that which followed it, and the report of Agent Donnohue, and the other papers relating to the subject which are now on file in this department.

The letter of my predecessor to you, of the 5th of April, 1864, seems, in my opinion, to be a conclusive and final determination touching the merits of your claim under the contract, so far as the action of this department is concerned.

The decisions of the Supreme Court of the United States expressly declare that the authority of the head of a department to review and reverse the decisions of his predecessor upon a rejected claim extends only to cases where material testimony is afterwards discovered and produced. The opinions of the Attorneys General upon the point are equally explicit and decisive. In deference to such high authority and to the settled usage of the department, in accordance therewith, I must decline opening the case. No material new testimony has been produced, and I do not understand that you propose submitting any.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

CHAS. K. TUCKERMAN, Esq.,
City of New York.

WASHINGTON, D. C., January 2, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, in which you refer to a communication received by you from this department, dated December 26, 1862, in which is mentioned a letter addressed to you by my predecessor, bearing date the 5th of April, 1864.

You say that by reference to that letter you find that it distinctly leaves open, instead of closing, further consideration and action relative to the colonization claim represented by you. I have again referred to and carefully read that communication, and find among the closing paragraphs the following language: "And then, I am unable to bring my mind to the conclusion that the President would be justified in directing the payment of any sum to you, according to any known principles of justice and equity." This seems to leave nothing open for his successor to decide.

I come to this conclusion with less reluctance, from the consideration that Congress is now in session, and can afford you any relief to which, in their judgment, you may be justly entitled.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., January 29, 1866.

SIR: I have received your two letters of the 6th and 22d instant. In the letters you say, "I have now respectfully to inquire if my reply to Mr. Usher's communication of April 5, 1864, bearing date on or about April 18, 1864, being a reply to the absurd charges made in the Donnohue report, &c., is or is not on file in the Department of the Interior."

In reply, I have to state that I find quite a number of communications on file from you, bearing date on or about the 18th of April, 1864, relating to the same subject, but which particular one is that which you regard as the reply to the charges made in the "Donnohue report," &c., I am unable to say.

In answer to the other portions of your letters of the 6th and 22d instant, I have only to add that I am unable to reach any other conclusion than that stated to you in my letter to you of the 2d instant, which was intended, and which I hope you will consider, as my final determination in the premises.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington D. C., February 3, 1866.

SIR: I have to acknowledge the receipt of your communication of the 1st instant, more particularly describing a letter addressed by you to my predecessor in relation to claim for transporting certain negroes to the island of à Vache, and calling my attention again to the communication of the Hon. Mr. Usher, Secretary of the Interior, to you on that subject, in which you inform me he promised to present to the President any additional testimony or facts that you might see proper to submit.

In reply, I have to state that the letter addressed by you to Mr. Usher, as described, is on the files of this department; and that on examination I find that Mr. Usher *did* state in his communication that "all the papers which seem to

bear upon the question, and any others that you may see proper to submit, will be laid before the President for his consideration." But I do not find that the President has made any order in the premises, nor that my predecessor has changed his opinion as to the propriety of the decision then rendered.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 3, 1866.

SIR: I have to acknowledge the receipt of your letter of the 1st instant, addressed to me personally, in which you complain of what you are pleased to denominate an indisposition on my part to assist you in the prosecution of the strong claim which you have on the just and equitable consideration of the government, and state that you have presented yourself to me with a note from Governor Morgan, and hope that I may not do you the injustice to suppose that you are a "speculator" seeking to obtain money on a very questionable claim, and, as such, unworthy the particular attention of the department, averring that you are no speculator or contractor, and never before had been connected with any governmental or political measure, requesting me to satisfy my mind on the part of your respectability by reference to gentlemen whose names you mention, adding that you are aware of bitter personal hostility existing, at least upon one side, between me and my predecessor in office, but cannot understand why your case cannot be taken up by me on its own merits, and why I am so unwilling to believe you when you distinctly insist that my predecessor promised to receive and make use of such documents as you might see fit to send him, and which you now ask me to make use of in accordance with his promise; alleging, in conclusion, that you are mystified at the course taken to repel what you are pleased to call "simple justice."

In reply, I have to say that in my official action, as the head of one of the departments of the government, it has been my purpose to adjudicate claims presented for my examination according to existing laws, as interpreted by the high law officers and the judicial tribunals of the country; that, in my opinion, it is not proper that I should consider the relative respectability of the claimants, for in this respect all citizens of the country stand on a perfectly equal footing. I am not aware of having at any time manifested an indisposition to examining papers or facts submitted by you to me in connexion with the case to which you refer, but, as I have informed you twice before, after a careful examination of the whole case, my predecessor had decided it before my initiation into office, and under the law and the rules that have been maintained from the beginning of the government to the present time, as interpreted by the Attorneys General in numerous decisions and by the Supreme Court of the United States. I have no authority to set aside his opinion and reopen the case. I therefore have no legal right to decide as to the relative merits of your arguments or the sufficiency of the testimony presented by you. If my predecessor misapprehended the character of this testimony and the force of your reasoning, and in rendering his opinion did you injustice, it is a misfortune for which I am not accountable; and your effort to place me in such a situation, you will allow me to say, is as unjust and ungenerous as would be an attempt to hold the present judge of the Supreme Court of the United States responsible for what you might deem to be an erroneous judgment rendered by Chief Justice Marshall or any other one of their predecessors.

I am, sir, very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*

CHARLES K. TUCKERMAN, Esq., *New York, N. Y.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 10, 1866.

SIR: Your letter of the 7th instant, addressed to the honorable Secretary of State, on the subject of claim for the transportation of certain colored people to the island of à Vache, submitted by the Secretary of State to the President has this day been referred to the Department of the Interior without instructions.

As it contains no new matter requiring additional or different action by this department, it has been placed on the files with other papers on the subject.

I am, sir, very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*CHARLES K. TUCKERMAN, Esq., *New York, N. Y.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 10, 1866.

SIR: I regret to be compelled to say, in reply to your note of the 8th instant, requesting an estimate to be made for your office for the year 1866, that it is not usual for the head of a department to make an estimate for an office that has not been created by law.

I am, sir, very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*

Reverend JAMES MITCHELL.

Washington, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., February 21, 1866.

SIR: I have to inform you that your letter of the 15th instant to Mr. F. W. Seward, having been referred to this department, has been placed on file.

I am, sir, very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*

CHAS. K. TUCKERMAN, Esq.,

50 Wall street, New York.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 27, 1866.

SIR: I have to acknowledge the receipt, by reference from the Secretary of State, of your letter of the 23d instant, respecting your claim against the government, and in reply to state that it has been placed on file with the other papers in the case.

Very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*CHAS. K. TUCKERMAN, Esq., *New York City.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 31, 1866.

SIR: Your letter of the 28th instant, addressed to the Hon. Wm. H. Seward, Secretary of State, and by him referred to this department, in relation to your claim against the government of the United States, has been received and placed on file with the other papers in the case.

Very respectfully, your obedient servant,

JAS. HARLAN, *Secretary.*CHAS. K. TUCKERMAN, Esq., *New York City.*

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In answer to a resolution of the Senate of the 13th instant, a copy of a despatch of the 4th instant, addressed to the Secretary of State by the United States minister at Paris, in regard to the employment of European troops in Mexico.

JUNE 22, 1866.—Read, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

In further answer to recent resolutions of the Senate and House of Representatives, requesting information in regard to the employment of European troops in Mexico, I transmit to Congress a copy of a despatch of the 4th of this month, addressed to the Secretary of State by the minister of the United States at Paris.

ANDREW JOHNSON.

WASHINGTON, June 22, 1866.

Mr. Bigelow to Mr. Seward.

No. 330.]

LEGATION OF THE UNITED STATES,
Paris, June 4, 1866.

SIR: I waited upon his excellency the minister of foreign affairs on Saturday last, in pursuance of a previous appointment, to confer with him upon the subject-matter of your instruction No. 459, marked confidential. As he had been already apprised of the contents of that despatch, through the French minister residing at Washington, I was spared the necessity of restating them. He said that the imperial government proclaimed its intention to retire from Mexico because it suited its convenience and interests to retire, and for no other reason. When, therefore, it announced formally, not merely to the United States, but to all the world, that the army would be withdrawn from Mexico within a specified term, he thought it should be deemed sufficient. The government made its declaration in good faith, and means to keep it. It means to withdraw its army within the time prescribed, and it does not intend to take one or two hundred troops in the first detachment, and one or two hundred more in the second, leaving the great body of them to the last; though it had not deemed it necessary

to specify with minuteness details of this kind, which depend upon hygienic and climatic considerations, of which it was the best and the only competent judge. This, his excellency said, he wished I would say to my government.

I asked his excellency if I had ever intimated to him, whether in writing or orally, any suspicion of the Emperor's intention to withdraw his army from Mexico in unequal proportions. He replied that I had not. I then asked him if any other person authorized to speak in the name of my government had done so. He said no; but he had read imputations of that kind in one of our papers. I replied, in substance, that the press was a law unto itself, but that we had better not accept it as a law unto us; and as he asked me to communicate to my government a formal answer to what sounded like an accusation of insincerity and bad faith on the part of the Emperor, I wanted his authority for stating that no such accusation had reached him through any official channel. He replied that he only had read it in a newspaper.

I then went on to say that the purpose of your instruction, as I understood it, was simply to obtain an explanation, which was sure to be required of you, of the shipment by France of large bodies of troops to Mexico after the purpose to withdraw her whole army had been officially proclaimed. To this his excellency replied, that since seeing me he had gotten from his colleagues of the marine and war departments information to the purport—

That no troops belonging to the *Corps Expéditionnaire* had been sent to Mexico this year, unless, perhaps, for the sake of partly replacing soldiers missing, but at any rate without augmentation of the number of standing troops.

That the shipment of troops referred to in the public prints, and in your despatch, was most likely that made in the transport *Rhône* about the beginning of the year.

That the *Rhône* touched at Martinique, but not at St. Thomas, as was stated.

That she carried 916, and not 1,200, soldiers.

That they belonged to the Foreign Legion, and not to the Expeditionary Corps.

That they consisted of troops which had been waiting transportation a long time in France and in Algeria to join their regiments.

That no new troops had been enrolled for the Foreign Legion since the Emperor proclaimed his purpose to withdraw his flag from Mexico, and that no more, for what he knew, were intended to be enrolled.

In regard to the shipments of troops from Austria, he said that that was an affair entirely between that government and the Mexican, with which France had nothing to do; that since I had spoken to him upon the subject he had verified his own convictions by a reference to the ministers of war and of marine, and had ascertained that no engagements of any sort had been entered into by either for the enrolment or transport of troops from Austria to Mexico. He went on further to say, that it was the intention of the government to withdraw the army entirely from Mexico within the time specified in his despatch to you at the very latest, sooner if climatic and other controlling considerations permitted, and it was not its intention to replace these with other troops from any quarter.

At the conclusion of a long conversation, of which I have given the important results, I expressed my satisfaction with his excellency's explanations, and the pleasure I should have in communicating them to my government.

This despatch has been submitted to Mr. Drouyn de Lhuys, and the foregoing version of the results of our conversation has been approved by him.

I am, sir, with great respect, your obedient servant,

JOHN BIGELOW.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

To the Senate a report of the Secretary of State, showing the proceedings under concurrent resolution of the two houses of Congress of the 13th instant, requesting the President to submit to the legislatures of the States an additional article to the Constitution of the United States.

JUNE 22, 1866.—Read, ordered to lie on the table and be printed.

To the Senate and House of Representatives :

I submit to Congress a report of the Secretary of State, to whom was referred the concurrent resolution of the 18th instant, respecting a submission to the legislatures of the States of an additional article to the Constitution of the United States. It will be seen from this report that the Secretary of State had, on the 16th instant, transmitted to the governors of the several States certified copies of the joint resolution passed on the 13th instant, proposing an amendment to the Constitution.

Even in ordinary times any question of amending the Constitution must be justly regarded as of paramount importance. This importance is at the present time enhanced by the fact that the joint resolution was not submitted by the two houses for the approval of the President, and that of the thirty-six States which constitute the Union, eleven are excluded from representation in either House of Congress, although, with the single exception of Texas, they have been entirely restored to all their functions as States, in conformity with the organic law of the land, and have appeared at the national capital by senators and representatives who have applied for and have been refused admission to the vacant seats. Nor have the sovereign people of the nation been afforded an opportunity of expressing their views upon the important questions which the amendment involves. Grave doubts, therefore, may naturally and justly arise as to whether the action of Congress is in harmony with the sentiments of the people, and whether State legislatures, elected without reference to such an issue, should be called upon by Congress to decide respecting the ratification of the proposed amendment.

Waiving the question as to the constitutional validity of the proceedings of Congress upon the joint resolution proposing the amendment, or as to the merits of the article which it submits, through the executive department, to the legislatures of the States, I deem it proper to observe that the steps taken by the Secretary of State, as detailed in the accompanying report, are to be considered as purely ministerial, and in no sense whatever committing the Executive to an approval or a recommendation of the amendment to the State legislatures or to the people. On the contrary, a proper appreciation of the letter and spirit of

the Constitution, as well as of the interests of national order, harmony, and union, and a due deference for an enlightened public judgment, may at this time well suggest a doubt whether any amendment to the Constitution ought to be proposed by Congress, and pressed upon the legislatures of the several States for final decision, until after the admission of such loyal senators and representatives of the now unrepresented States as have been or as may hereafter be chosen in conformity with the Constitution and laws of the United States.

ANDREW JOHNSON.

WASHINGTON, D. C., *June 22, 1866.*

DEPARTMENT OF STATE,

Washington, June 20, 1866.

The Secretary of State, to whom was referred the concurrent resolution of the two houses of Congress of the 18th instant in the following words: "That the President of the United States be requested to transmit forthwith to the executives of the several States of the United States copies of the article of amendment proposed by Congress to the State legislatures, to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, &c., to the end that the said States may proceed to act upon the said article of amendment, and that he request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification," has the honor to submit the following report, namely: that on the 16th instant the Honorable Amasa Cobb, of the Committee of the House of Representatives on Enrolled Bills, brought to this department and deposited therein an enrolled resolution of the two houses of Congress, which was thereupon received by the Secretary of State and deposited among the rolls of the department, a copy of which is hereunto annexed. Thereupon, the Secretary of State, on the 16th instant, in conformity with the proceeding which was adopted by him in 1865 in regard to the then proposed and afterwards adopted congressional amendment of the Constitution of the United States concerning the prohibition of slavery, transmitted certified copies of the annexed resolution to the governors of the several States, together with a certificate and circular letter. A copy of both of these communications is hereunto annexed.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

[Circular.]

DEPARTMENT OF STATE,

Washington, June 16, 1866.

SIR: I have the honor to transmit an attested copy of a resolution of Congress, proposing to the legislatures of the several States a fourteenth article to the Constitution of the United States. The decisions of the several legislatures upon the subject are required by law to be communicated to this department.

An acknowledgment of the receipt of this communication is requested by your excellency's most obedient servant,

WILLIAM H. SEWARD.

His excellency the Governor of the State of ———.

UNITED STATES OF AMERICA,
Department of State.

To all to whom these presents shall come, greeting :

I certify that annexed is a true copy of a concurrent resolution of Congress, entitled "Joint resolution proposing an amendment to the Constitution of the United States," the original of which resolution, received to-day, is on file in this department.

In testimony whereof, I, William H. Seward, Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this sixteenth day of June, A. D. 1866, and
 [SEAL.] of the independence of the United States of America the ninetieth.

WILLIAM H. SEWARD.

[Concurrent resolution, received at Department of State June 16, 1866.]

JOINT RESOLUTION proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of the Constitution, namely :

ARTICLE 14.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by

law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

LA FAYETTE S. FOSTER,

President of the Senate, pro tempore.

Attest :

EDWD. MCPHERSON,

Clerk of the House of Representatives.

J. W. FORNEY,

Secretary of the Senate.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

A copy of a report and maps prepared by a board of examiners appointed to examine a site for a fresh-water basin for iron-clad vessels of the United States navy.

JUNE 28, 1866.—Referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate of the United States:

I transmit a communication from the Secretary of the Navy, and the accompanying copy of a report and maps prepared by a board of examiners appointed under authority of the joint resolution approved June 1, 1866, "to examine a site for a fresh-water basin for iron-clad vessels of the United States navy."

ANDREW JOHNSON.

WASHINGTON, D. C., *June 28, 1866.*

NAVY DEPARTMENT,

Washington, June 27, 1866.

SIR: I have the honor to transmit herewith a copy of the report (with accompanying maps) of a board of examiners authorized to be appointed "to examine a site at or near Portland, Maine, for a fresh-water basin for iron-clad vessels of the United States navy," by joint resolution of the two houses of Congress, and approved June 1, 1866.

Very respectfully,

GIDEON WELLES,

Secretary of the Navy.

The PRESIDENT.

WASHINGTON, D. C., *June 25, 1866.*

SIR: The board constituted by your order of the 9th instant, in accordance with a resolution of Congress, approved June 1, "to examine a site at or near Portland, Maine, for a fresh-water basin for iron-clad vessels of the United States navy, and to ascertain the advantages and cost of said site," proceeded to Portland, examined the plans prepared and presented for a projected basin, docks, &c., and, in company with the city authorities, visited the place, both at high and at low water, where it is proposed to locate the basin; also examined

the lower part of the river and falls of the same, from which it is intended to receive the supply of fresh water, together with the proposed means of conducting the water from the river to the basin, and respectfully submit the following report :

From the best information received, it appears that the project of creating a fresh-water basin in Casco bay, which is but an elongation of Portland harbor, three or three and one-half miles from the ocean, and one mile from Portland, originated with F. O. Smith, esq., in 1853, with a view of using hydraulic power for manufacturing and commercial purposes, and that on the 16th of March, 1861, a company was incorporated by the legislature of Maine, under the title of the "Presumpscot Land and Water Company." This company have prepared plans for extensive hydraulic basins and docks, wharves, ice-houses, &c., to be located in the place named, which is in a curvature of the bay near the United States marine hospital, to be seen on the coast survey chart of Portland harbor. This place contains an area of several hundred acres of flats nearly bare at low water, and having an average depth of nine feet at high water. The company propose to wall in a large portion of said flats, and to erect thereon great basins, docks, &c., and adjoining them to let sites for factory and other mills. A short distance above this place is the outlet of the Presumpscot river; it is proposed to dam the water of this river, at a point about two and a half miles distant from the basin, by a dam nine hundred feet long by twenty-two feet high above low-water mark, and to connect the basin and river by a canal that shall be one hundred feet wide at its base, one hundred and thirty feet at its surface, and ten feet deep at its minimum excavations; but in much of its length it is to be two hundred feet wide, and from thirteen to twenty feet deep, and in the greatest depth the excavations will be through hard earth and stone.

The water of the river is to be diverted into this canal at an elevation of thirteen feet above the level of mean ocean high tides, and twenty-two feet above the level of ocean low tides; this elevation of thirteen feet above high tide is to be maintained by the canal down to the bay, at a point where eleven feet of water exists at low tide, for purposes of navigation, and at that point by the agency of a lifting lock, three hundred and fifty feet long by sixty feet wide. Vessels to the extent of twenty feet draught are to be taken into fresh water, and alongside the factories, for the purpose of loading and unloading, or may pass into a commodious side dock for repairs.

This side dock is to be situated above ocean tide when closed, so as to be emptied of its water through a drain pipe that is to be on a level with low tide water line. On the shores of these spacious basins and docks ice-houses are to be built for packing and storing the ice from the fresh water. As the canal through which the water is to be conducted from the river to the basin must pass under the Atlantic and the St. Lawrence or Grand Trunk railway, at or near the most difficult part of the excavations, a viaduct is to be constructed, to consist of eight stone arches, one of which is to be a boatway sixteen feet wide, and sufficiently high to permit the passage of tug steamers. The eight arches are to have an aggregate opening of one hundred feet, besides an arched wheel road to the shore of the river. Near this point spacious saw-mills are to be erected by the company, and sites for mills of various kinds not desired at the lower docks are contemplated. Altogether the enterprise is of gigantic proportions.

The progress made in the work thus far, and to be seen, consists of excavating a portion of the canal where it is least difficult to work, and the preparation of a portion of the stone for the viaduct; but, for reasons unknown to us, the work was some time ago suspended, and now remains *in statu quo*.

Such is a brief outline of the vast works projected and commenced by the Presumpscot Land and Water Company; a large portion of which must be com-

pleted before fresh water can be received at the point indicated for the iron-clad basin. Then water can be purchased by the government on such terms as may be agreed upon with said company.

After the above necessary preface, we now come to the projected basin for the reception and preservation of iron-clad vessels of the navy. The site pointed out to us by the city authorities for this basin is on the flats referred to, and in close proximity to the company's intended basins and docks, and for which two plans were presented; both of them, together with the maps for the company's basins, docks and canal, are herewith enclosed. It will be observed that one of these plans embraces not only a magnificent basin with a water area of one hundred and one and a half acres, but also represents within its interior forty-two "stone dry docks," each four hundred feet long by one hundred feet wide, and a lock entrance three hundred and fifty feet by sixty feet; the other plan simply represents a basin to contain a water area of seventy acres, and one stone dock four hundred feet by one hundred and twenty feet, and a lock entrance four hundred feet by sixty feet.

To adopt either plan, or any other that may be prepared, the basin must be formed by building a great sea-wall, or breakwater, of nearly one mile in length and at least twenty-five feet high from low-water mark; drain and excavate the whole of its surface, a large portion of which is represented to be rock; make coffer-dams and construct a main entrance gate and lock, to be three hundred and fifty feet in length. The great walls would be built in part on rock and in part on piles, and the stone for the works would best be obtained at and transported from the islands of the bay.

As previously stated, the supply of fresh water is to be received from the Presumpscot river; the immediate source of the river is Sebago lake, a body of water about seventeen miles distant, and represented to cover an area of one hundred and seventeen square miles.

We are satisfied that the supply of pure fresh water would at all times be abundant, and that the atmosphere is remarkably healthy, and in this consists the only advantage of the site that we were able to ascertain. The disadvantages will be apparent.

The designs projected by the Land and Water Company for their works, as well as the construction of an iron-clad basin at the place named, are practicable, and no extraordinary engineering skill would be required to carry them to completion; but the enormous expenditure of money that would be made, and the great length of time that would necessarily be consumed in the construction, are sufficient of itself to preclude the undertaking.

We have made no detailed estimates of the cost, for the reason that, previous to so doing, an accurate survey of the locality and detailed drawings of the works would be necessary, involving much labor and time; but we are satisfied, from our knowledge of the cost of constructing basins, docks, locks, canals, and viaducts in other localities, that a proper fresh-water basin for the reception of iron-clad vessels could not be completed in Portland harbor in less than seven years, and would cost not less than several millions of dollars.

After this length of time occupied in construction, and large expenditure of money, the result would be simply the possession of a fresh-water basin, to be supplied with water from a company. It would be frozen over solid with ice eighteen inches and more thick at least five months in the year; it would also be within reach from the sea of rifle projectiles in use at the present day, and removed from a navy yard where established facilities exist for repairing, equipping, and fitting out vessels when required in an emergency.

The creation, therefore, of such a basin at Portland would involve also either the creation of a navy yard, with all necessary workshops, storehouses and appliances, or the necessity of towing the vessels by sea to a navy yard when suddenly ordered to be equipped for service. In the former case, a yard and

station would be established in a locality far removed from the great source of supplies required for naval purposes at the present day; in the latter case, expense, risk, and delay would be incurred in removing the vessels. The board, therefore, consider it proper to express the hope that some other place may be found, not far from a navy yard, where an abundance of fresh water can be commanded without resorting to such expensive structures, and the position of which shall not only be within speedy reach of our great coal fields, numerous iron mills, steel works, and various naval supplies required, but also so far removed from sea as to secure it from the possibility of being reached by hostile shot.

In conclusion, we beg leave to acknowledge our indebtedness to his honor the mayor, the city councilmen, and other distinguished citizens of Portland, for the facilities afforded us in the discharge of our duties.

We have the honor to be, sir, your obedient servants,

MELANCTON SMITH,

Captain United States Army.

B. S. ALEXANDER,

Major Engineers, Brevet Brig. Gen. U. S. Army.

J. W. KING,

Chief Engineer United States Navy.

Hon. GIDEON WELLES,

Secretary of the Navy.

LETTER
OF THE
SECRETARY OF THE TREASURY,
COMMUNICATING,

In compliance with a resolution of the Senate of the 30th of June, a duly certified copy of the official oath taken by Albert Elmore, as collector of customs at Mobile, Alabama.

JULY 2, 1866.—Read, ordered to lie on the table and be printed.

TREASURY DEPARTMENT, *June 30, 1866.*

SIR: In response to a resolution of the honorable Senate, passed this day, requesting this department to communicate to the Senate a duly certified copy of the official oath taken by Albert Elmore, as collector of customs at Mobile, Alabama, I have the honor to enclose a copy of Mr. Elmore's official oath, which has been taken by him in the form required by law.

In reference to the recital in the preamble of the resolution, that Mr. Elmore is alleged to have held office under the late confederate government, and also to have otherwise given aid and support to the same, so that he therefore could not honestly and truthfully take the oath prescribed by law, I deem it my duty to say that this department was informed before the appointment that Mr. Elmore had never held office under the late confederate government, nor given the same aid and support; that although a resident of Alabama during the war, and at one time a sub-officer of the Alabama legislature, yet that he never took the oath of allegiance to the confederacy, and was uniformly and always opposed to the rebellion.

All the facts in relation to Mr. Elmore within the possession of the department were communicated to the honorable chairman of the Committee on Commerce prior to his confirmation.

I have the honor to be, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. L. F. S. FOSTER,
President of the Senate.

I, Albert Elmore, do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted, nor attempted to exercise the functions of, any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a

voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

ALBERT ELMORE.

Sworn to and subscribed before me, this 15th day of June, A. D. 1866.

JNO. BOSWELL FULLER,

Justice of the Peace.

LETTER
OF THE
SECRETARY OF WAR,
COMMUNICATING.

In compliance with a resolution of the Senate of the 10th of May, 1866, a report by the Chief of Ordnance, relative to the present condition of the public works at Harper's Ferry.

JULY 2, 1866.—Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, June 28, 1866.

SIR: In compliance with the Senate's resolution of May 10, 1866, requesting the Secretary of War to communicate information as to the present condition of the public works at Harper's Ferry, to what extent and for what purpose they are used, and whether they might not be sold or otherwise disposed of without detriment to the public good, I have the honor to transmit herewith a report by the Chief of Ordnance of May 14, 1866, containing the information desired.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, May 14, 1866.

SIR: In answer to the resolution of the Senate, requesting information in regard to the property of the United States at Harper's Ferry, West Virginia, I have to report:

The government owns at that place about seventy-five acres of improved land, and has the right of cutting wood on a large tract of unimproved land on the south side of the Shenandoah river. On the improved land there are twenty-five dwelling-houses, a powder magazine, a public stable, a repair shop, nine storerooms, and the ruins of the former armory shops. Eighteen of the dwelling-houses are in fair condition; the residue, as well as the main shops of the old armory, have been much injured during the war, and are in bad order. The powder magazine, stable, repair shop, and storerooms are all in good condition.

This department is now using, for the purposes of an ordnance depot for the storage and preservation of munitions of war, the powder magazine, five store-

rooms, the repair shop, and a dwelling-house for quarters for the military store keeper. This ordnance depot is only required for a temporary purpose, and will be broken up as soon as the supplies now stored there can be transferred to the arsenals.

Harper's Ferry cannot, in my opinion, be ever again used to advantage for the manufacture of arms; the retention of the property of the United States at that place is not necessary or advantageous to the public interest, beyond the temporary use of so much as may be required for the ordnance depot; and I recommend that, as soon as that depot can be broken up, all the public land, buildings, and other property there, be sold, and the proceeds of the sale be applied to the construction of the armory in the west, as now authorized and directed by law to be established.

The resolution of the Senate is returned herewith.

Very respectfully, your obedient servant,

A. B. DYER,

Brevet Major General, Chief of Ordnance.

Hon. E. M. STANTON,

Secretary of War.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate, of the 20th of June last, a statement of the expenditures of the United States for the various public works of the government, in each State and Territory in the Union, from the year 1860 to the close of the year 1865.

JULY 11, 1866.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

The accompanying report of the Secretary of the Treasury is transmitted to the Senate, in compliance with its resolution of the 20th ultimo, calling for a statement of the expenditures of the United States for the various public works of the government in each State and Territory of the Union, and in the District of Columbia, from the year 1860 to the close of the year 1865.

ANDREW JOHNSON.

WASHINGTON, D. C., July 7, 1866.

TREASURY DEPARTMENT,
July 6, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 22d ultimo, covering a resolution of the United States Senate, dated June 20, 1866, calling on you for a statement of the expenditures of the United States for the various public works of the government in each State and Territory of the Union, and in the District of Columbia, from the year 1860 to the close of the year 1865, and to enclose herewith a statement prepared by the Register of the Treasury, conveying the information called for, to the 30th of June, 1865, the end of the fiscal year.

Inasmuch as the resolution above referred to seems to be connected with a resolution of the House of Representatives, dated December 31, 1860, which called for a statement of the number of acres of land granted to each State and Territory in aid of works of internal improvement, and the money value of the same, I also submit herewith, should you deem it desirable to furnish the same to the Senate, an exhibit, covering such information, prepared by the Commissioner of the General Land Office.

I return herewith the resolution of the Senate, received with your communication, and enclose the letters of the Commissioner of the General Land Office, and of the Register of the Treasury, on the subject, bearing date, respectively, June 30 and July 5, 1866.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

The PRESIDENT.

TREASURY DEPARTMENT,

Register's Office, July 5, 1866.

SIR: I have the honor to transmit a "statement of the expenditures for navy yards, custom-houses, court-houses, and other public buildings, for the improvement of rivers and harbors, for the construction of forts, arsenals, and armories, and the number of acres of land granted to each State and Territory, in aid of work of internal improvement, and the money value of the same, from 1st July, 1860, to 30th June, 1865," furnished in compliance with resolution of the Senate of June 20, 1866, referred to this office.

Very respectfully, your obedient servant,

J. A. GRAHAM,
Assistant Register.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Statement of the expenditures in each State and Territory, and in the District of Columbia, for navy yards, custom-houses, court-houses, and other public buildings; for the improvement of rivers and harbors; for the construction of forts, arsenals and armories; and the number of acres of land granted to each State and Territory in aid of work of internal improvement, and the money value of the same, from July 1, 1860 to June 30, 1865.

MAINE.

Custom-house at Ellsworth	\$1,721 85	
Custom-house at Belfast	2,580 16	
Custom-house at Bath	13 42	
Custom-house at Bangor	7,817 00	
Custom-house at Portland	1,311 37	
		\$13,448 80
Marine hospital, Portland		2,314 62
Light-house, Portland	6,364 29	
Light-house, entrance of thoroughfare Isle au Haute	54 00	
		6,418 29
Arsenal, Kennebec		6,950 00
Fort Preble, Portland harbor	229,100 00	
Fort Scammel, Portland harbor	307,700 00	
Fort Knox, at narrows of Penobscot river	400,700 00	
Fort at entrance of Kennebec river	299,000 00	
Fort on Hog Island ledge, Portland harbor	450,810 00	
		1,687,310 00
		1,716,441 71

NEW HAMPSHIRE.

Custom-house, Portsmouth		5,779 02
Light-house, Whale's Back		1,000 00
Navy yard, Portsmouth		651,804 66
Marine barracks		22,000 00
Fort Constitution, Portsmouth harbor	131,000 00	
Fort McClary, Portsmouth harbor	100,500 00	
Erection of temporary works, Portsmouth harbor	295,600 00	
		527,100 00
		1,207,683 68

VERMONT.

Marine hospital, Burlington		169 29
Court-house, Rutland	5,639 73	
Court-house, Windsor	9,956 31	
		15,596 04
		15,765 33

EXPENDITURES FOR THE PUBLIC WORKS.

3

CONNECTICUT.

Custom-house, New Haven		\$6,091 87
Light-house, New Haven	\$2,000 00	
Light-house, New London	5,500 00	
Light-house, Stratford	1,186 38	
		8,686 38
		<u>14,778 25</u>

MASSACHUSETTS.

Custom-house, Boston		12,823 01
Marine hospital, Chelsea		1,684 69
Light-house, Boston harbor	15,682 00	
Light-house, Thatcher's island	50,126 03	
		65,808 03
Navy yard, Boston		851,620 57
Naval hospital, Boston		102,534 68
Marine barracks, Charlestown		30,914 97
Arsenal, Watertown		14,581 19
Armory, Springfield		820,322 67
Fort Warren, Boston harbor	120,000 00	
Fort Winthrop, Boston harbor	220,000 00	
Fortifications at entrance of New Bedford harbor	206,526 65	
		546,526 65
Purchase of land and wharf adjoining navy yard, Charlestown		123,000 00
		<u>2,569,816 46</u>

RHODE ISLAND.

Custom-house, Bristol		1,364 25
Light-house, Seekonk river	500 00	
Light-house, Connimicut Point	3,000 00	
Light-house, Newport harbor	6,000 00	
		9,500 00
Fort Adams, Newport harbor	5,000 00	
Temporary works at Narragansett bay	91,000 00	
		96,000 00
		<u>106,864 25</u>

NEW YORK.

Custom-house, Oswego	5,110 47	
Custom-house, Buffalo	84,738 17	
		89,848 64
Post office, New York		210,729 21
Purchase of Merchants' Exchange building, New York city		1,000,000 00
Repairing government warehouses, Staten Island		40,000 00
Light-house, New York city	21,475 55	
Light-house, Mill Reef	3,146 19	
Light-house, Staten Island		
Light-house, Alexandria bay, (Sisters' island)	356 59	
Light-house, Whitehall narrows		
		24,978 33
Arsenal, New York city	3,750 00	
Arsenal, Watervleit	20,000 00	
		23,750 00
Navy yard, New York city	1,367,203 27	
Navy yard, Sackett's Harbor	2,298 49	
		1,369,501 76
Naval hospital, New York city		70,000 33
Marine barracks, Brooklyn		65,066 71
Fort Schuyler, East river	85,000 05	
Fort at Willett's Point, opposite Fort Schuyler	616,197 27	
Fort Hamilton, at the Narrows	224,164 86	

Fort Richmond, Staten Island.....	\$59,828 57	
Construction of a casemate at battery, Staten Island.	94,500 00	
Fort Montgomery, at outlet of Lake Champlain.....	403,500 00	
Fort on site of Fort Tompkins.....	592,460 00	
Repairs of forts in New York harbor.....	18,000 00	
Fortifications on northern frontier of New York.....	707,500 00	
		\$2,801,150 75
Military Academy at West Point.....		53,350 00
Harbor at Oswego.....	663 00	
Pier and mole at Oswego.....	30,000 00	
		30,363 00
Total.....		5,778,738 03

NEW JERSEY.

Custom-house, Perth Amboy.....	142 50
Light-house, Navesink.....	58,403 63
Fort at Sandy Hook, entrance to New York harbor.....	673,500 00
Total.....	732,046 00

PENNSYLVANIA.

Custom-house and post office, Philadelphia.....	227,915 96
Arsenal, Allegheny.....	10,528 00
Arsenal, Frankford.....	6,100 00
	16,628 00
Rebuilding stables at Carlisle barracks.....	8,050 00
Navy yard, Philadelphia.....	294,390 57
Naval asylum, Philadelphia.....	25,273 27
Fort Mifflin, near Philadelphia.....	8,000 00
Total.....	580,257 80

DELAWARE.

Light-house, Cape Henlopen.....	10,000 00
Fort Delaware, on the Delaware river.....	253,600 00
Total.....	263,600 00

MARYLAND.

Custom-house, Baltimore.....	15,000 00
Court-house, Baltimore.....	128,409 96
Light-house, Sandy Point, Chesapeake bay.....	981 04
Naval Academy, Annapolis.....	226,931 25
Fort Carroll.....	285,000 00
Total.....	656,322 25

DISTRICT OF COLUMBIA.

Custom-house, Georgetown.....	865 20
Continuation of the Treasury building.....	2,290,759 15
Repairs of the President's house.....	54,920 00
Rebuilding the President's stables.....	12,000 00
Capitol extension.....	1,358,864 87
Capitol, new dome.....	488,459 61
Repairs and alterations of the Capitol.....	100,180 00
Extension of the Post Office.....	86,000 00
Repairs, &c., of the Patent Office.....	139,730 97
Completing the Washington aqueduct.....	644,399 92
Insane asylum.....	45,111 00
Columbian Institute.....	15,820 00
Lodge for colored women.....	10,000 00
Repairing Winder's building.....	3,439 10
Department of Agriculture.....	800 00

EXPENDITURES FOR THE PUBLIC WORKS.

5

Arsenal, Washington city	\$39,250 00
Navy yard, Washington city.....	360,941 89
Hospital, Washington city.....	36,385 28
Enlarging hospital and marine barracks.....	9,050 00
Completing defences of Washington.....	639,997 43
Total.....	<u>6,336,975 06</u>

VIRGINIA.

Custom-house, Norfolk.....	\$486 00	
Custom-house, Wheeling.....	1,164 17	
Custom-house, Petersburg.....	1,518 50	
		<u>3,168 67</u>
Light-house, Apoteague.....	3,108 50	
Light-house, Cape Charles.....	21,890 75	
Light-house, Pongoteague.....	24 24	
		<u>25,023 49</u>
Navy yard, Norfolk.....		546,363 44
Naval hospital, Norfolk.....		39,188 49
Armory, Harper's Ferry.....		66,593 79
Arsenal, Fort Monroe.....		48,249 23
Fort Monroe.....	139,699 59	
Fort Calhoun.....	389,870 27	
		<u>529,569 86</u>
Total.....		<u>1,258,156 97</u>

NORTH CAROLINA.

Marine hospital, Wilmington.....		51 40
Light-house, North river.....	2,250 00	
Light-house, Cape Fear river.....	683 88	
Light-house, Beaufort harbor.....	991 05	
Light-house, Cape Hatteras.....	4,868 08	
		<u>8,793 01</u>
Court-house, Raleigh.....		8,013 05
North Carolina arsenal.....		5,775 00
Fort Macon, Beaufort harbor.....		10,000 00
Total.....		<u>32,632 46</u>

GEORGIA.

Removing obstructions, Savannah river.....	7,979 98
--	----------

SOUTH CAROLINA.

Custom-house, Charleston.....		76,424 69
Light-house, Port Royal.....		1,971 73
Navy yard, Port Royal.....		83,451 93
Charleston arsenal.....		160 35
Fort Moultrie.....	13,500 00	
Fort Sumter.....	119,000 00	
		<u>132,500 00</u>
Total.....		<u>294,508 70</u>

FLORIDA.

Marine hospital, St. Mark's.....		1,503 80
Light house, Cape Canaveral.....		16,698 00
Navy yard, Pensacola.....		129,992 77
Naval hospital, Pensacola.....		56,127 48
Marine barracks, Pensacola.....		496 25
Fort Clinch, Amelia island.....	61,000 00	
Fort Taylor, Key West.....	870,101 78	
Fort Jefferson, Garden key.....	927,097 74	
Fort McRea, Pensacola harbor.....	9,850 00	
New fort at Tortugas.....	86,000 00	
		<u>1,954,049 52</u>
Total.....		<u>2,158,867 82</u>

EXPENDITURES FOR THE PUBLIC WORKS.

ALABAMA.

Custom-house, Mobile.....	\$555 50
Fort Gaines.....	31,500 00
Total.....	<u>32,055 50</u>

MISSISSIPPI.

Fort at Ship island.....	<u>371,600 00</u>
--------------------------	-------------------

TEXAS.

Custom-house, Galveston.....	79,022 20
Texas arsenal.....	5,046 20
Forts at entrance into Galveston harbor.....	\$131,000 00
Forts on western frontier.....	150,000 00
Total.....	<u>281,000 00</u>
Total.....	<u>355,068 40</u>

LOUISIANA.

Custom-house, New Orleans.....	76,908 76
Warehouse below New Orleans.....	5,422 34
Marine hospital, New Orleans.....	27,534 03
Hospital, New Orleans.....	1,545 99
Light-house, Southwest pass.....	3,172 48
Fort St. Philip.....	55,745 00
Fort Jackson.....	76,000 00
Tower Dupre.....	131,745 00
Removing obstructions, mouth of Mississippi.....	10,000 00
Total.....	<u>37,926 92</u>
Total.....	<u>294,255 52</u>

MISSOURI.

Custom-house, St. Louis.....	4,644 87
Arsenal, St. Louis.....	36,150 00
Total.....	<u>40,794 87</u>

KENTUCKY.

Custom-house, Louisville.....	<u>731 15</u>
-------------------------------	---------------

TENNESSEE.

Court-house, &c., Memphis.....	15,044 00
Improving the Tennessee river.....	446 53
Total.....	<u>15,490 53</u>

OHIO.

Custom-house, Toledo.....	7 56
Custom-house, Sandusky.....	248 88
Custom-house, Cleveland.....	1,101 60
Custom-house, Cincinnati.....	25,000 00
Marine hospital.....	<u>26,358 04</u>
Light-house, Huron.....	1,831 71
Light-house, Cleveland.....	3,193 05
Arsenal, Columbus.....	7,357 98
Total.....	<u>10,551 03</u>
Total.....	<u>100,000 00</u>
Total.....	<u>138,740 78</u>

EXPENDITURES FOR THE PUBLIC WORKS.

7

INDIANA.

Marine hospital, Evansville.....	\$168 78
Court-house, Indianapolis.....	60,060 63
Arsenal, Indianapolis.....	100,000 00
Total.....	<u>160,229 33</u>

ILLINOIS.

Custom-house, Chicago.....	\$68,398 21
Custom-house, Galena.....	66 50
	<u>68,464 71</u>
Marine hospital, Galena.....	594 65
Arsenal, Rock Island.....	69,000 00
Light-house, Chicago.....	3,499 92
Hospital, Mound City.....	6,500 00
Court-house, Springfield.....	4,800 00
Total.....	<u>152,859 28</u>

MICHIGAN.

Court-house, Detroit.....	14,153 64
Marine hospital.....	63 96
Light-house, Whitefish Point.....	44,988 75
Light-house, Grand Haven.....	1,148 55
	<u>46,137 30</u>
Total.....	<u>60,354 90</u>

MINNESOTA.

Fort Abercrombie.....	<u>7,000 00</u>
-----------------------	-----------------

WISCONSIN.

Court-house, Madison.....	50 00
Light-house, Raspberry island.....	6,000 00
Light-house, Racine.....	21,000 00
Light-house, Port du Morts.....	1,500 00
Light-house, Green island.....	6,000 00
Light-house, Kenosha.....	7,640 00
Light-house, Milwaukie.....	50,993 25
	<u>93,133 25</u>
Total.....	<u>93,183 25</u>

IOWA.

Custom-house, Dubuque.....	81,106 36
Marine hospital, Burlington.....	855 00
Improvement of the Des Moines rapids.....	40,258 98
Total.....	<u>122,220 34</u>

KANSAS.

Leavenworth arsenal.....	<u>20,000 00</u>
--------------------------	------------------

CALIFORNIA.

Custom-house, San Francisco.....	10,967 49
Light-house, Point Lobos.....	250 00
Light-house, Humboldt bay.....	5,104 00
	<u>5,354 00</u>
Navy yard, Mare island.....	883,536 90
Hospital, Mare island.....	11,183 69

EXPENDITURES FOR THE PUBLIC WORKS

Arsenal, Benicia.....		\$124,351 32
Marine barracks.....		104,262 00
Fort at Fort Point.....	\$562,000 00	
Fort at Alcatraz island.....	400,000 00	
Defences at San Francisco.....	231,000 00	
		<u>1,193,000 00</u>
Total.....		<u>2,332,655 40</u>

NEBRASKA TERRITORY.

Repairs buildings.....	5,000 00
------------------------	----------

NEW MEXICO TERRITORY.

Repairs buildings.....	7,851 20
------------------------	----------

WASHINGTON TERRITORY.

Repairs buildings.....		145 00
Light-house, Ediz Hook.....	5,000 00	
Light-house, Red Bluff.....	4,000 00	
		<u>9,000 00</u>
Road from Steilacoom to Vancouver.....	10,000 00	
Road from Fort Benton to Walla-Walla.....	99,189 50	
		<u>109,189 50</u>
Total.....		<u>118,334 50</u>

UTAH TERRITORY.

Repairs buildings.....	3,254 95
------------------------	----------

OREGON AND WASHINGTON.

Defences in Oregon and Washington.....	340,000 00
--	------------

COLORADO.

Territorial prison, Denver.....	4,754 75
Branch mint, Denver.....	46,568 60
Total.....	<u>51,323 35</u>

RECAPITULATION.

Maine.....	\$1,716,441 71
New Hampshire.....	1,207,683 68
Vermont.....	15,765 33
Connecticut.....	14,778 25
Massachusetts.....	2,569,816 46
Rhode Island.....	106,864 25
New York.....	5,778,738 73
New Jersey.....	732,046 13
Pennsylvania.....	580,257 80
Delaware.....	263,600 00
Maryland.....	656,322 25
District of Columbia.....	6,336,975 06
Virginia.....	1,258,156 97
North Carolina.....	32,632 46
Georgia.....	7,979 98
South Carolina.....	294,508 70
Florida.....	2,158,867 82
Alabama.....	32,055 50
Mississippi.....	371,600 00
Texas.....	365,068 40
Louisiana.....	294,255 52
Missouri.....	40,794 8

Kentucky.....	\$731 15
Tennessee	15,490 53
Ohio	138,740 78
Indiana	160,229 33
Illinois	152,859 28
Michigan	60,354 90
Minnesota	7,000 00
Wisconsin	93,183 25
Iowa	122,220 34
Kansas	20,000 00
California.....	2,332,655 40
Nebraska	5,000 00
New Mexico	7,851 20
Washington.....	118,334 50
Utah	3,254 95
Oregon and Washington	340,000 00
Colorado.....	51,323 35
Total.....	28,464,438 83

J. W. GRAHAM,
Acting Register.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *July 5, 1866.*

DEPARTMENT OF THE INTERIOR,

General Land Office, June 30, 1866.

SIR: I have received your letter of the 26th instant, and have prepared an exhibit, herewith, showing the quantities of public lands granted to the States for roads, canals, internal improvements, (act 1841,) and including selections under the act of 1850, (extended to Minnesota by act March 12, 1860,) to reclaim the swamp lands within their limits, from July 1, 1860, to December 31, 1865, being a continuation of the exhibit submitted to the Secretary of the Interior on the 11th January, 1861.

On page 60, pages 165 to 168 of the report of this office for 1865, will be found statements as to swamp selections and concessions for rail and wagon roads. A copy of the report is sent herewith.

Very respectfully, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

Hon. S. B. COLBY,
Register of the Treasury.

NOTE.—This does not include the grant to the several States by act July 2, 1862, of 30,000 acres for each United States senator and representative, nor the Pacific railroads, the same not being embraced in your request.

Ex. Doc. 61—2

An exhibit of the quantities of public lands granted to the States for roads, canals, internal improvements, (act of 1841,) and including selections under the act of 1850, (extended to Minnesota and Oregon by the act of March 12, 1860,) to reclaim the "swamp lands" within their limits, from July 1, 1860, to December 31, 1865, with the moneyed value of the same, assumed to be the ordinary minimum.

States.	Acres.	Value.
Ohio.....	none.	
Indiana	none.	
Illinois	7,617.92	\$9,522 40
Missouri	194,955.82	243,694 77
Alabama.....	476,918.93	596,148 66
Mississippi.....	none.	
Louisiana.....	9,028.85	11,286 06
Michigan	*1,135,680.00	1,419,600 00
Arkansas	320.00	400 00
Florida	none.	
Iowa	*2,132,757.37	2,665,946 71
Wisconsin	*†2,965,560.50	3,706,950 63
California.....	none.	
Oregon	†72,960.00	91,200 00
Minnesota	*4,708,160.00	5,885,200 00
Kansas	*3,006,400.00	3,758,000 00
Nevada.....	525,600.00	657,000 00
Total.....	15,235,959.39	19,044,949 23

* Part estimated, grants for railroads and wagon roads.

† Not adjusted.

LETTER
OF THE
SECRETARY OF THE NAVY,
COMMUNICATING

In compliance with a resolution of the 19th of March last, a report of Rear-Admiral Charles H. Davis, Superintendent of the Naval Observatory, in relation to the various proposed lines for interoceanic canals and railroads between the waters of the Atlantic and Pacific oceans.

JULY 12, 1866.—Read and referred to the Committee on Post Offices and Post Roads.

JULY 16, 1866.—Ordered to be printed. Motion to print 5,000 additional copies; referred to the Committee on Printing.

JULY 21 1866.—*Resolved*, That two thousand five hundred extra copies of the report of the Secretary of the Navy on interoceanic railroads and canals, with the accompanying maps, be printed and bound for the use of the Senate.

NAVY DEPARTMENT, *July 12, 1866.*

SIR: I have the honor to transmit herewith a report of Rear-Admiral Chas. H. Davis, Superintendent of the Naval Observatory, prepared by order of this department, and in pursuance of a resolution of the Senate of the 19th of March last, in relation to the "various proposed lines for interoceanic canals and railroads between the waters of the Atlantic and Pacific oceans."

The report, dated the 11th instant, is accompanied by a series of maps.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. L. F. S. FOSTER,
President pro tem. of the U. S. Senate.

UNITED STATES NAVAL OBSERVATORY,
Washington, July 11, 1866.

SIR: I have the honor to transmit to the department a report on interoceanic canals and railroads between the waters of the Atlantic and Pacific oceans, in compliance with your order of March 20, 1866.

This report is accompanied by a series of maps.

Respectfully, your obedient servant,

C. H. DAVIS,
Rear-Admiral, Superintendent

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Report of the Superintendent of the United States Naval Observatory, to the Secretary of the Navy, in answer to Senate resolution of 19th March, 1866, on interoceanic canals and railroads between the waters of the Atlantic and Pacific oceans.

The following report is made under the direction of the Hon. Secretary of the Navy, in compliance with a resolution of the Senate of the United States, dated March 19, 1866; which resolution reads as follows:

“Resolved, That the Secretary of the Navy furnish, through a report of the Superintendent of the Naval Observatory, the summit levels and distances by survey of the various proposed lines for interoceanic canals and railroads between the waters of the Atlantic and Pacific oceans; as also, their relative merits as practicable lines for the construction of a ship canal, and especially as relates to Honduras, Tehuantepec, Nicaragua, Panama, and Atrato lines; and also, whether, in the opinion of the Superintendent, the Isthmus of Darien has been satisfactorily explored; and if so, furnish in detail, charts, plans, lines of levels, and all information connected therewith, and upon what authority they are based.”

The object of this inquiry is to collect and collate our existing information concerning the several isthmuses through or over which it has been proposed to open a communication between the Atlantic and Pacific oceans. It is the aim of the honorable senator, Mr. Conness, of California, to acquire by the answer to his resolution such accurate knowledge with regard to the whole question as will, in the first place, prevent the re-examination of any ground which is already sufficiently known; and in the second place, will prevent any useless expenditure of money upon schemes that are infeasible or unpromising.

The resolution is properly divided into two general heads, which are again subdivided as follows:

I. The consideration of the “various proposed lines” will include,

“Summit levels;”

“Distances by survey;” and

“Their relative merits as practicable lines for the construction of a ship canal, especially for the Honduras, Tehuantepec, Nicaragua, Panama, and Atrato routes.”

II. The inquiry, “has the Isthmus of Darien been satisfactorily explored,” calls for—

“Charts;”

“Plans;”

“Lines of levels, and information therewith;” and

“Authorities on the whole subject.”

In conference with the mover of the resolution I have ascertained that I shall execute the task assigned me in the most acceptable manner if I confine myself to a simple statement of facts, avoiding all unnecessary descriptions, whether of geography, topography, or natural history, all scientific details not required for a full comprehension of results, and all merely speculative opinions.

In truth, nothing would seem to be less called for at the present day than a renewed attempt to show by argument, whether based on statistical or other considerations, the advantages of a suitable artificial water communication between the two great oceans. This project has engaged the attention of the most eminent statesmen, political economists, engineers, and merchants of the world, from a period but little subsequent to the discovery of this continent. Minds of the largest comprehension have employed themselves in the contemplation of the benefits that would flow to mankind from the successful accomplishment of this purpose.

By promoting intercourse, and therefore peace and good will among men, it would contribute as much to human progress as any of the leading discoveries

of the century. It is entitled to this highest commendation, that it will elevate the authors of its execution to the rank of those in history who have deserved most of their fellow-men.

The ingenious and enterprising thinkers of this country and of western Europe will never rest satisfied until this project is either carried out or is shown by a thorough examination, such as leaves no question unanswered, to be totally impracticable. I will so far anticipate the conclusions of this report as to say that my study of the subject rejects the latter idea.

With these preliminary remarks I will enter at once upon the business of the report under the several divisions and subdivisions heretofore enumerated :

I. The various proposed lines for interoceanic canals and railroads and their relative merits, viz :

- A, Tehuantepec;
- B, Honduras;
- C, Nicaragua;
- D, Panama;
- E, Atrato.

A.—TEHUANTEPEC.

The attention of the early discoverers was drawn towards this isthmus by two of its features—one, the remarkable depression of the Mexican plain at this point, and the other, the hydrographic basin of the Coatzacoalcos, which drains the northern slope of the sunken Cordillera and discharges itself into the Gulf of Mexico.

Mr. Williams, who is our best authority with regard to this part of the continent, divides the Isthmus of Tehuantepec into three distinct divisions, each possessing its own characteristic peculiarities. The first, or northern division, lying between the Cordilleras and the Gulf, he calls the Atlantic plains; the second, or middle division, the mountainous district; and the third, or southern division, bordering on the Gulf of Tehuantepec, he calls the Pacific plains.

In the series of maps appended to this report (No. II,) I have copied his two profiles, one of which extends from ocean to ocean, while the other comprises the mountainous districts only. These maps contain in themselves all the details necessary to a correct understanding of the ground. They were prepared, it will be remembered, with reference to a railroad project only. But for many years the idea had been entertained of opening a canal between the two oceans; and this idea received a sudden impulse in 1771, from the unexpected discovery in the port of San Juan de Ulloa that some cannon cast at Manilla had crossed the isthmus by the rivers Chimalapa and Coatzacoalcos. (Humboldt—*Essai Politique*.)

This discovery led to the most extravagant expectations, and gave rise to a succession of surveys or examinations under the governments of the Viceroyalty and of the Republic, which surveys are of little value at the present time. The really accurate and reliable survey of the isthmus was made by the scientific commission under the direction of Major (now Major General) J. G. Barnard, United States engineers, in 1850-'51, and it is this which has furnished us with our profiles. From this survey we learn that this route possesses but little "merit as a practicable line for the construction of a ship canal."

B.—HONDURAS.

Our knowledge of this isthmus is derived from hydrographic, topographic, and barometrical surveys, instituted by the Directors of the British Honduras Interoceanic Railway Company, and reported by the general agent of the company, E. G. Squier, Esq., August 1, 1858.

Since it has never been proposed to construct a canal on this route, it will not be necessary to speak of it at length. The third of the appended maps is both a map and profile of the whole line between the bay of Honduras and

the bay of Fonseca. The reader who follows the course of the surveyors, naturalists, and geologists from the capacious, safe, and excellent harbor of Puerto Caballos (Port Cortes) through regions remarkable for their salubrity, fertility, great variety of climate and productions, and valuable mineral resources, to the waters of the splendid harbor of La Union, cannot but regret that capitalists have not found it to their interest to carry out one of the most promising, and one of the least embarrassing, enterprises of the day.

But, so far as concerns its relative "merit as a practicable line for the construction of a ship canal," Honduras is excluded from our further consideration.

C.—NICARAGUA.

There has been a time when the transit from ocean to ocean, on a line following the river San Juan del Norte, either in its bed or on its banks, crossing Lake Nicaragua, and thence to the Pacific, has enjoyed special favor and attention. From Greytown to the lake the mode of proceeding has been the same in most of the plans. It has included the improvement of the navigation of the river San Juan, where possible, by excavations in its bed, and by the construction of dams, which, with the rapids of the river, were to be passed by means of locks and canals. But, from the lake to the Pacific outlet, various branches have been proposed. Three of these pass through Lake Managua; a fourth terminates at Brito; a fifth, at San Juan del Sur; a sixth proceeds by the Sapoá river to Salinas bay; a seventh, keeping in the southern part of the State of Nicaragua, proposes to cut from the river San Juan, through the State of Costa Rica, to Nicoya gulf. Only two of these routes have been carefully surveyed, those terminating in Brito and San Juan del Sur.

There are so many difficulties attending all these routes, which detract from their "relative merits as practicable lines for a ship canal," that I should feel authorized, under ordinary circumstances, to pass over this region in a few words; but so much has been said and written about it by eminent authorities that I feel called upon to present some descriptive details.

A variety of circumstances have concurred to concentrate public opinion and favor upon this route. I refer particularly to the accidental settlement of Greytown; to the establishment of a transit through Nicaragua; the actual navigation of the San Juan river, and of Lake Nicaragua; the connexion of eminent names, including that of the present French Emperor; and the agricultural and mineral wealth of the Chontales region. And to these circumstances may be added the advances seemingly made by nature in offering the water communications of San Juan and the lakes, which reduce the isthmus to one-tenth of its whole breadth. Extravagant expectations have been fostered, and hasty schemes have been formed, including extensive plans of colonization—schemes that never have reached maturity.

The late Admiral Fitz Roy, in the first paper which he presented to the Royal Geographical Society, on the isthmus of America, entered into a careful examination of this line and its branches, and maturely considered the value of the statements made by its advocates, and the feasibility of the project with reference to the natural difficulties to be overcome. The conclusion at which he arrived was unfavorable.

I take pains to cite the authority of this distinguished hydrographer, because it will be received with the highest respect by all who are acquainted with his useful labors and great abilities. It is not worth while to follow him over the same ground; to discuss the statements of Mr. Bailey, or the data of the French Emperor, or to dwell upon the unfavorable conditions arising from climate, earthquakes, volcanoes, &c. I will base what I have to say upon the report of the survey made by Messrs. Childs and Fay, in the years 1850-'51, for the American Atlantic and Pacific Ship-Canal Company.

The map appended to this report, numbered IV, contains a profile of the line surveyed; and this profile may be regarded as a type of the whole region, em-

bracing all the branch lines mentioned above. It is not at all probable that any other of the proposed routes would find either a lower summit level or easier cuts.

The line selected by Col. Childs proceeds from Lake Nicaragua by a short and easy route to the harbor of Brito. It traverses the lake directly to its outlet at Port San Carlos; it employs slack-water navigation on the San Juan river for a distance exceeding ninety miles, and then pursues a canal, independent of the river, to the harbor of San Juan del Norte. This plan of operation requires fourteen (14) locks to descend from the lake to the Pacific ocean, and fourteen (14) locks to descend from the lake to the Caribbean sea, in which last enumeration are included light locks at dams on the San Juan. There are seven (7) dams on the river. Costly improvements, possessing the character of artificial harbors, will be necessary at the two points of departure from the lake. The seaports of Greytown and Brito, at the two ends of the line, will require costly and extensive improvements in the way of excavations, piers, jetties, breakwaters, &c. The total length of the line is a little more than one hundred and ninety-four (194) miles. It may be safely asserted that no enterprise, presenting such formidable difficulties, will ever be undertaken with even our present knowledge of the American isthmuses. Still less is it likely to be entered upon while such strong and well-founded hopes are entertained by the promoters of the union of the Atlantic and Pacific oceans of finding elsewhere a very much easier, cheaper, and more practicable route for a canal, in every way suited to the present demands of commerce and navigation. The relative merits of the Nicaragua route as "a practicable line for the construction of a ship-canal" do not require further consideration.

I have taken Childs's survey as a standard. I will therefore mention that it is regarded by Squier and other competent authorities as the authentic and reliable survey of the Nicaragua route; and, further, that in March, 1852, his drawings, reports, and estimates were submitted to the examination of Colonels Abert and Turnbull, United States engineers. Squier's language in regard to the survey is very emphatic; he says, "Childs's survey is the only one to be accepted as conforming to modern engineering requirements." Childs's report was further submitted by the Earl of Malmesbury to English engineers, who also questioned its author personally. They reported that, "presuming Colonel Childs's data and statements to be correct, the harbor of Brito is, in size and shape, unworthy of this great ship navigation."

CHIRIQUI.

The next line in the order of our enumeration is Panama; but there lies between Nicaragua and Panama another isthmus which has been thought of more than once as a convenient place of transit—the Isthmus of Chiriqui.

The best information concerning this route is derived from the examination made by the Chiriqui commission, commanded by Commodore Frederick Engle, United States Navy, of which Commander Jeffers was the hydrographic engineer, and First Lieutenant J. St. Clair Morton, who fell at Petersburg, the topographical engineer. Commodore Engle describes the harbor of Chiriqui as "large, deep, and well protected." Commander Jeffers confirms the accuracy of the survey of Captain (now Rear-Admiral) Barnett, Royal Navy, and adds: "No finer harbors can be found than those on the Atlantic side, Shepherd's harbor included." He says also of Golfito, in Golfo Dulce, on the Pacific side, that it "is unsurpassed in natural facilities; * * * three streams, the Golfito, Coisal, and the Canaza enter the harbor and afford an ample supply of fresh water." Lieutenant Morton landed at Frenchman's creek, and crossed the isthmus twice; in doing which he explored a swamp of great extent, and discovered a hitherto unknown pass through the Cordilleras. His examination resulted in "the conviction that it is entirely practicable to connect the harbors by a line of railroad adapted to commercial purposes." But since Lieutenant Morton describes his

work as a reconnaissance merely, made with the Schmalcalder compass, and has left no map, journal, or note-book in the archives of the War Department, I am unable to trace his route precisely, and have accordingly laid it down on the general map with a broken line.

Mr. Evans, the geologist of the Chiriqui commission, made examinations to ascertain the extent and value of the coal deposits on the Chiriqui lands. He found "coal seams varying in quality from lignites to semi-bituminous and semi-anthracite coals." * * "The supply is abundant." He found "gold and ores of iron, copper, and platinum, * * a rich mineral region." The plains are described as being fertile, and abounding in timber. Concerning a portion of the province of Chiriqui, known as the territory of Burica, we have some interesting information from J. H. Smith, esq., of Panama, a Fellow of the Royal Geographical Society. I have cited him among my authorities for the convenience of the future student or explorer, when this region is again brought under examination.

D.—PANAMA.

There is no part of the American isthmus with which we are so well acquainted as the old route from Porto Bello or Chagres to old or new Panama, the established line of communication since the year 1532—that is, since twenty-three years after the first settlement in America. The surveys made by the engineers of the Panama railroad have established the important fact that the difference between the mean level of the two oceans is either nothing, or so slight as to present no obstacle to the construction of a canal. The difficulties pertain altogether to the climate, to the elevation, the nature of the soil, and the supply of water. The character and extent of these difficulties may be learned from the survey and project of M. Garella, Ingénieur en chef des Mines, in 1843. In order to present the whole subject in the most satisfactory manner, I have included among the maps appended to this report, (No. V,) M. Garella's survey and profiles containing all the details of his project.

This route was selected only after a careful inspection of the intervening space, and after making the requisite levelings. It will be seen by this map that he follows the valleys of the Bernardino and Caimito on the southern descent, and those of Quebrado and Chagres on the northern. The mountainous region approaches very near the Pacific, and its highest elevation is four hundred and fifty-nine (459) feet above the level of the sea. He tunnels the mountain at about ninety-nine (99) metres (324 feet 9 inches) below its highest point; and he establishes his summit-level for a distance of 25,361 feet, at an elevation of one hundred and thirty-five (135) feet above high water from the Pacific ocean. From this summit-level he descends to the Pacific ocean by means of seventeen (17) locks, some of which are necessarily very much crowded. On the other side he descends to the Atlantic by eighteen (18) locks, which, owing to the more gradual descent on the north, are more conveniently spaced.

It is remarked by the Commission of the "Ponts et Chaussées," appointed to report upon M. Garella's project, that his mode of proceeding is reasonable, and entirely in conformity with the rules of art.

A glance at the plan and profile shows that the near approach of the chain of the Andes to the Pacific ocean obliges him to pursue the course he has adopted. Of the whole length of the summit-level, seventeen thousand five hundred and fifty feet are subterranean; and, as the Commission observes, this is not only inconvenient to vessels, but it involves great expense, since the tunnel must be sufficiently high to allow vessels to pass through with their lower masts, at least, standing.

The means of feeding the canal are not satisfactorily stated. The river Chagres was gauged, it is true, at Cruces and at Gorgona, but the river is to be tapped above these points. Provision is also made for an auxiliary reservoir; still, the Commission is not satisfied on this question.

The harbors which form the termini of the canal are, on the Atlantic side, Navy bay, and, on the Pacific side, the bay of Vaca del Monte. We know that Navy bay is an insecure anchorage at certain periods of the year, and the harbor on the Pacific is altogether insufficient for vessels of even moderate draught. M. Garella is obliged to include in his estimates a sum of a million and a quarter of dollars for the improvement of this harbor. I have entered into these details of M. Garella's project—all of which are more fully displayed on the map—because it presents a fair representation of the difficulties to be overcome in the construction of a navigable ship canal across the Isthmus of Panama proper; and in order to render this subject still more intelligible to the general reader, I have added Colonel Hughes's survey of the Panama railroad in map No. VI, which contains the topographical features and profile of the route.

I have spoken of the Isthmus of Panama proper. Geographers have given the name of Darien to that part of the isthmus which is contained between the Panama line and the province of Choco. On this Isthmus of Darien, as we shall call it, between the Panama line and the province of Choco, there are three other lines or places which have always commanded great interest, but which have never received the attention they merit. These three routes are from the Chepo or Bayanos river to San Blas or Mandinga* bay, from the Gulf of San Miguel to Caledonia bay, and from the Gulf of San Miguel to the southern part of the Gulf of Urabá or Darien, or else to some point on the lower part of the Atrato below the mouth of the Cacarica. I will take up these three in the order now mentioned.

The first of these lines, from Chepo to San Blas, has always been the subject of special curiosity on account of the jealous exclusion by the Indians of all strangers from their territory. Our accurate knowledge of the geography of the coasts on both sides enables us to determine that here is the narrowest part of the isthmus. This is of itself an important fact; and added to this, a rumor or report has been received from the Indians in this vicinity that they are in the habit of hauling their canoes on wooden slides across the Cordilleras from the Mandinga river and launching them in the waters of the Bayanos. This rumor, which is noticed by many writers, is particularly mentioned by Mr. Oliphant, the secretary of the Royal Geographical Society, in a paper read before that society on the 24th of April, 1865. The writer of that paper made a journey from Panama to the Chepo or Bayanos river simply for a reconnaissance, and he says that the tide of the Pacific extends to within fifteen (15) miles of the northern coast, and that he saw from Chepo a remarkable depression in the mountain chain about ten miles distant. He makes the remark, in which all will concur, that it is a discredit to the civilization of the nineteenth century that this part of the isthmus should not have been explored. This is not owing, however, to a want of effort. Attempts to cross the isthmus at this point were made by Mr. Hopkins and Mr. Wheelwright. They were both driven back by the aborigines.

It is very gratifying to have it in my power to say that this discredit to the civilization of the nineteenth century has been removed by the indefatigable zeal and enterprise of Mr. Frederick M. Kelley, of New York, of whom it was justly said by the President of the Institution of Civil Engineers of London, that he "had produced more intelligible information towards the solution of this problem, of such vast importance to the commercial and political interests of the world, than had hitherto been given;" and of whom Sir R. Murchison, Vice-president of the Royal Geographical Society, also said that he "heartily wished he might succeed in this great and philanthropic project, which so deeply interested all civilized nations." After having spent a great deal of labor and money upon the examination of the Atrato and San Juan rivers in search of a suitable route for an interoceanic canal across the province of Choco, Mr. Kelley and his friends, in 1864, took up the long deferred but much coveted exploration of the

* Also called Gulf of Manzanilla.

route from the Chepo to the Gulf of San Blas. The results of this exploration are given in the annexed map, numbered VII.

From Mr. Kelley's plans it will be perceived that the whole length of the route from ocean to ocean is only thirty miles. On the north, there is the admirable, spacious, and deep harbor of San Blas; and on the south the channel leading into the bay of Panama has not less than eighteen (18) feet of water at mean low tide, while the ordinary rise of tide is sixteen (16) feet. I give these figures from Mr. Kelley's survey; but I must observe that this result of the examination by his engineer of the entrance of the Chepo is entirely unexpected, and does not accord with the Admiralty charts. But the most striking feature of the project, as of M. Garella's, is a tunnel, similar in its length, and in other respects, to the great tunnel through the Alps at Mont Cenis, which is nearly one-half cut through, and in which the progress is so satisfactory that the period of its completion can be definitely fixed.

When the tunnel through Mont Cenis, and the still greater one through Mont St. Gothard, are finished and in use, such undertakings will cease to be regarded with the aversion we now feel towards them.

It must be observed, however, with regard to Mr. Kelley's survey, that owing to its being a private affair it was necessarily accomplished at the least expense and with the utmost expedition. It pursued a single line, without deviating to the right or left, although the surveyors were satisfied that they saw evidences of greater depression to the westward of their course; and there can be no doubt whatever that a deliberate examination, made under such advantages as would pertain to a Governmental survey, would lessen the difficulties, and, perhaps, lead to the discovery of such a route through the valleys as would render a resort to tunneling unnecessary. This subject will be resumed in the general remarks and recommendations with which the report will be concluded.

GULF OF SAN MIGUEL TO CALEDONIA BAY.

The next place in order is the line between the Gulf of San Miguel and Caledonia bay. We have here, at both ends of the line, harbors spacious and admirable in every respect, and, on the south side, there is a height of tide suited to the construction of docks for repairs, &c. It is held by many persons that no line of interoceanic canal merits serious attention unless it possesses this indispensable requisite of good natural harbors, requiring no artificial improvements, except those for the ordinary conveniences of commerce, such as wharves and docks. Certainly it will add very much to the difficulties and embarrassments, as well as to the expense of this great enterprise, to mix with it any doubtful questions of harbor improvement.

The greatest interest has always centred in this particular line on other accounts. The first settlement in all America was in this vicinity, and the next settlement on the isthmus was at Agla, a few miles inland, on Caledonia bay. It was through this district of country that the Buccaneers made frequent incursions upon the original Spanish settlers, who had opened and were working mines at Cona or Cana and Espiritu Santo. The history of the Buccaneers furnishes us with many interesting accounts of their incursions into this region. But since their topographical descriptions are not full enough to be traced on any modern map, it is sufficient merely to refer to them.* It was, no doubt, owing to the success of the Buccaneers that Paterson was induced to settle at Darien with his Scotch colony. He derived the information on which he acted, in part, from personal intercourse with the surviving Buccaneers. In one of his letters to the Court of Directors of the "Indian and African Company," cited

* It may be said, on the authority of Fitz Roy that they can be followed on the old Spanish maps.

by Dalrymple in his *Memoirs of Great Britain*, vol. 2, page 115, he says: "Gold may be gotten in very many places. No mines are worked or looked after that yield as low as $\frac{1}{2}$ oz. per day to the laborer. Often they yield 4 oz. per day. The mine of Cana is worked by a thousand negroes."

In our own time, this line of communication has received more attention than any other, except the Panama line. The governments of Great Britain, France, and the United States have each undertaken its exploration with a singular want of success. One English surveyor, Mr. Gisborne, entered the country from Caledonia bay, and, after reaching the summit of the Cordillera, turned back. Captain Prevost, of the royal navy, led the exploring party which ascended the Savana from the Gulf of San Miguel to the head of navigation, and thence cut his way through the woods and swamps until he reached the Cordillera, when he also turned back. He says in the official report of his proceedings, under date of January 4, 1854, "Although finding ourselves in the centre of the Cordilleras, and, I believe, within a very few miles of the object of our search, yet, having already exceeded the limits of my stay, it became my duty to rejoin the ship without delay, still feeling confident that had time and our provisions allowed us, we should eventually have reached the Atlantic shores, and that easily, by following one of the several rivers or streams which appear to exist in this range of hills, forming certain passages to the sea."

The expedition of Strain, though it called out a remarkable display of courage and endurance under the most fearful trials, was even less fruitful of knowledge than those of Gisborne and Prevost.

I have appended a map, numbered VIII, of the joint exploration of the two English gentlemen here mentioned, taken from Gisborne's report to the Royal Geographical Society. It will be perceived that the routes of these two gentlemen join on to each other. Sections of both tracks are given on the map.

The only person in our time who claims to have crossed the isthmus directly between the two great bays is Dr. Cullen. Dr. Cullen says that on his first journey into Darien, in 1849, he was totally ignorant of the existence of the Savana river until he actually saw it, after entering Boca Chica, "when," he continues, "finding the great depth of water at its mouth, and that it flowed almost directly from the north, I became convinced that I had at last found the object of my search, viz., a feasible route to the Atlantic; and thereupon I immediately ascended it, and crossed from Cañasas to the sea-shore, at Port Escocés, and back; and subsequently, in 1850, and also 1851, crossed and recrossed at several times and by several tracks the route from Savana to Port Escocés and Caledonia bay, notching the barks of the trees as I went along with a *machete* or cutlass, always alone and unaided, and always in the season of the heaviest rains. * * * And I had not the least hesitation in deciding that that must be the future route for interoceanic communication for ships." (*Isthmus of Darien Ship Canal*, by Dr. Cullen, 2d edition, p. 19.)

The principal point of interest in this exploration is, of course, the passage of the Cordillera. Concerning this, Dr. Cullen says: "From the sea-shore, (Port Escocés,) a plain extends for nearly two miles to the base of a ridge of hills, which runs parallel to the coast, and whose highest summit is about 350 feet. This ridge is not quite continuous and unbroken, but is divided by transverse valleys, through which the Aglaseniqua, Aglatomate, and other rivers, have their course, and whose highest elevations do not exceed 150 feet. The base of this ridge is only two miles in width, and from its south side a level plain extends for thirteen miles to a point on the river Savana, called Cañasas, which is about twenty miles above its mouth." (Page 28, *ibid.*)

No language could be more simple, explicit, and direct than the language of this statement. Admitting it to be literally correct, we have to go no further, for the object of our search, the existence of a practicable route for an interoceanic ship canal, has been discovered.

Dr. Cullen's map, numbered IX, of the series appended to this report, presents a line of communication which combines all the advantages required by the engineer. It possesses the indispensable requisite of harbors of perfect security, sufficient depth of water, and large capacity at both termini—that on the Pacific side having a rise of tide which adapts it to the construction of building and repairing docks, a circumstance the value of which cannot be overestimated. It cuts the Cordilleras at a depression at least thirty feet below any that has ever been reported, and several hundred feet below any that has actually been surveyed, or that has been approximately determined by trustworthy observers. The course of this line is direct, free from obstructions, and exceptionally healthy, while its outlets open upon coasts where violent storms are rarely known. The plains on each side of the dividing ridge are of easy slope and readily penetrated. The Savana river itself would form a part of the canal. And, finally, accepting the particular statement of Dr. Cullen as fully reliable, a ship canal may be cut on this line without locks, and even without tunnel, and yet not surpass either in difficulty, in labor, or in the amount of time or money consumed in its construction, several other monuments of human genius and enterprise in past times and in our own day.

Thus, for example, the Mexican Desague, of which Humboldt says, “in its actual state it is undoubtedly one of the most gigantic hydraulic operations ever executed by man. We are filled with admiration when we consider the nature of the ground, and the enormous breadth, depth, and length of the aperture. If the cut were filled with water to the depth of ten metres (32.8 feet) the largest vessels-of-war could pass through the range of mountains which bound the plains of Mexico to the northeast.” (Humboldt, *New Spain*, vol. 2d, pp. 110, 111.) “This wonderful work,” says Admiral Fitz Roy, “200 feet deep and 300 feet wide for nearly a thousand yards, and above 100 feet deep, through an extent of three thousand yards, (making altogether two miles of distance, in which that vast excavation would be capable of concealing the masthead of a first-rate man-of-war,) executed within the last three centuries within Central America, should induce us to listen respectfully to the plans of modern engineers, however startling they may appear at first.” (*Journal Royal Geographical Society*, vol. 20, p. 176.)

A ship canal twenty-six or twenty-seven miles in length, on such a line as that described by Dr. Cullen, (pp. 24, *et seq.*) with a cut of two miles only through hard rock, would, in all respects of time, money, and difficulty, fall far short of that tunnel which is now in progress under the Alps at Mont Cenis, for the purpose of connecting France and Italy by a continuous railway. The length of this tunnel is seven miles and 1,044 yards. At Mont Cenis it is, in section, twenty-six feet three inches and twenty feet eight inches high above the rails. Throughout the whole line it passes through rock, and, in some places, very hard rock. This by far the greatest and boldest work of the kind ever yet undertaken, with its covered drain throughout, its lining of masonry, its recesses at the distance of every fifty metres, (164 feet,) and its chambers ten or twelve feet square at intervals of 1,650 feet, may well spur us on to engage in this enterprise, which has for its object the union not of two adjacent countries, but of remote continents; the promotion, not of interior traffic in one or two districts, but of commerce and intercourse between all the peoples of the habitable globe. I say this because the construction of an interoceanic ship canal is—to borrow the thought of an eloquent writer on this subject—the same thing as if by some revolution of our globe the eastern shores of Asia and the southern continent were brought nearer to us.

Such are the prospects which the statements of Dr. Cullen offer to us. But it is with extreme reluctance I am compelled to say that these statements stand in Dr. Cullen's book as mere assertions, unaccompanied by notes or measure-

ments. I cannot but join with Admiral Fitz Roy in his regret that Dr. Cullen has not given to the world the journals and details of his repeated explorations; such, for example, as are given by Gisborne and Prevost on or about the same line. However, it is a great satisfaction to observe that Admiral Fitz Roy gives Dr. Cullen credit for "valuable information gleaned from archives, maps, books, oral accounts, and his own personal observation, and for being the first to ascertain the existence of a low summit-level." He adds that Dr. Cullen's statement "is corroborated by Gisborne;" and ascribes to Dr. Cullen the merit "of recommending from personal observation the river Savana as preferable to the Chuquanaque on account of its nearer approach to the north coast."

It is also gratifying to perceive that Airiau, who has made a careful study of this subject, has arrived at the same conclusion; that is, that the proper line for an interoceanic canal is from the bay of San Miguel up the river Savana to its junction with the Lara, and from this point straight across the plain to the foot of the Cordilleras. (Prevost's route, approximately.) "With regard to the Cordillera, in proportion as it advances, proceeding from the base of the isthmus, it descends a good deal, and is only, so to speak, a range of hills or isolated peaks, the bases of which are intersected by ravines which point out to the engineer the true route of the canal. The Indians in the neighborhood of Caledonia bay make use of these passages. One of them is elevated about fifty metres, (164 feet,) and is covered with a luxuriant growth of mahogany, palm, ebony, and other trees." (Canal Interoceanique par l'Isthme du Darien, p. 52. See list of authorities appended to this report.)

The same writer describes the country on the north of the Cordillera as a slope, gradually descending to the water's edge. No special authority is given for this description of the Cordillera, though Gisborne and other travellers are generally quoted; and it is further to be remarked that Airiau's estimates (chap. iv) are based upon probabilities, not on actual measurement, and these probabilities are deduced from Garella's survey, as well as from the statements of Gisborne and others.

Besides Cullen and Airiau, there are other high authorities who have regarded the Isthmus of Darien as the place where we are to look for the consummation of our wishes. Admiral Fitz Roy, who, at the period when he last wrote, 1853, had made a more careful and accurate study of the whole subject than any man then living, and whose opinions no one experienced in the hydrography of the globe will lightly question, has said: "A strong conviction remains on all our minds that Darien should be surveyed without delay. The illustrious Humboldt declares himself thoroughly satisfied that the Isthmus of Darien is superior to any other portion of the entire neck for a canal."

But we can go further back in our authorities. The incursions of the old Buccaneers, Dampier, Ringrose, Sharp, Wafer, and Davis, which can be followed on the old Spanish maps, have made us strangely familiar with some parts of this region, abounding in the gold that was the object of their search. The well-known and productive mines of Cona and Espiritu Santo, partly on account of these very incursions, were long since abandoned. We also follow, without difficulty, the direct route (1788) of the Spanish officer, Don Manuel de Milla Santa Ella, from Caledonia harbor to El Principe, thence down the Savana river to the harbor of Darien, up the Tuyra, and again up the Chuquanaque to the sources of its upper tributaries, whence he crossed to his station at Caledonia bay. (Cullen, pp. 192 *et seq.*)

And, lastly, we must adduce the testimony of that very remarkable man, William Paterson, who carried with him in his settlement at Caledonia harbor, ample stores of information collected from the Buccaneers, who, during his long residence, had leisure and opportunity to make himself acquainted with the surrounding district, and who made at least one journey into the interior, the journal of which is given in his papers. One hundred and seventy years ago, the far-

reaching mind of Paterson had contemplated the Isthmus of Darien with the same enlightened views as the statesmen and political economists of the present time. He originated and partly executed the project of settling a great colony in this then remote region for the purpose of "removing distances and drawing nations nearer to each other." In one of his letters to the Darien company, he says, (what is as true now as it was then,) "the time and expense of navigation to China, Japan, the Spice islands, and the greater part of the East Indies, will be lessened more than one-half, and the consumption of European commodities and manufactures will soon be more than doubled. * * * Thus this door of the seas and key of the universe, with anything of a reasonable management, will, of course, enable its proprietors to give laws to both oceans and become arbitrators of the commercial world."

This, however, is not said in any narrow spirit of selfishness; for, he adds, "You may easily perceive that the nature of these discoveries are such as are not to be engrossed by any one nation or people to the exclusion of others." And he denounced the contrary policy as being no less ruinous than niggardly.

I might extend these and similar quotations almost indefinitely. A glance at the list of authorities on this subject of interoceanic communication, appended to this report, will suffice to show how easy it would be to so stretch out this paper to any extent by historical, geographical, hydrographical, statistical, and descriptive passages and illustrations. I am, however, free from any temptation to do so, for I am well aware that I shall best answer the end of the call under which I am writing by confining myself as strictly as possible to the actual state of our knowledge of the great isthmuses, and to the channels into which new attempts are to be directed. But I will not forbear to mention that it is interesting to the American statesman of the present day to see in what light the possession of the isthmus was regarded by a British statesman of the latter part of the last century. (*Vide* Dalrymple's Memoirs, vol. 2, p. 111.)

I have still one more exploration in this region to mention, the last one of which we have any accurate knowledge, but by no means the least interesting and profitable. I refer to the expedition of M. Bourdiol, civil engineer, who was employed in 1864, by a French society, to conduct a new exploration on the Isthmus of Darien. For the greater convenience of supplies for his party, he found it expedient to begin on the Pacific side. His expedition comprised twenty-five persons, of whom one was an Indian and nine were negroes. M. Bourdiol's course lay from the mouth of the Lara across the isthmus to the river Chuquanaque, which he reached at a point a little below the Sucubti. Here he was obliged to turn back, all the natives having abandoned him through fear of the hostile aborigines (the *bravos*) on the northern slope of the Cordilleras. This expedition of M. Bourdiol is full of instruction for the future surveyors of the isthmus, not only on account of the manner in which it was conducted, but on account of its failure to reach the Atlantic shore. M. Bourdiol had made better preparation than any of his predecessors. He introduced into his work accuracy, zeal, and laborious industry. He encountered great hardships, and yielded only when the obstacles to his progress became insurmountable.

His narrative in the Bulletin of the Geographical Society of Paris, 1864, will be attentively read by every one who is to follow in his track. But the principal lessons to be derived from it may be summed up as follows:

First. The imperative necessity of taking provision in a concentrated form, on which I dwell more than once in this report, is very clearly shown. The want of provisions was one of the insurmountable obstacles that obliged him to turn back. It appears to have been impracticable to supply the party from the vessel when they had reached the interior.

The second and equally important lesson is, that the proper season is to be selected. Bourdiol attempted to make his exploration in the month of May. At one time he was in danger of having his retreat cut off by the enlargement

of the streams, and by the torrents created by the abundant rains. At another time he was wading up to his waist in water; and, in order to make sure of a safe return across an inundated plain, he left, as he advanced, his people stationed at intervals like live beacons. But for this precaution he might never have found his way back; and, in spite of it, he came near losing one of his men.

Thirdly. I speak elsewhere of the necessity of providing the means of clearing the way through the dense and matted undergrowth by steel and by fire. (Pages 18-19.) M. Bourdiol's experience on this point is exceedingly instructive. The natives may be employed with their *machetes*. They are strong, active, and enduring, but they are very timid, and not to be relied upon.

Fourth and lastly. Suitable preparation must be made for encountering the hostility of the Indian *bravos* who inhabit the Atlantic declivity.

This is the proper place to call special attention to the benefits which have been conferred upon the world by all previous explorers, whether their labors have been carried on systematically and to an end, or have been cut short by accident, hostility, or a want of proper equipment.

Every successful and complete survey, like those of Tehuantepec, Honduras, Nicaragua, Panama, &c., which has proved the unfitness of the route for an interoceanic communication by canal, has benefited us by eliminating these points from our consideration, and thus narrowing down our field of inquiry. Every unsuccessful attempt has conferred a benefit by teaching us the precautions we are to observe, and the errors we should avoid.

FROM SAN MIGUEL TO GULF OF URABÁ OR DARIEN.

The remaining line on this part of the isthmus is that which ascends the Tuyra and crosses to the valley of the Atrato. It is satisfactory to know that a plan for a survey of this route is already on foot. Mr. Gogorza, a resident of New Granada, has recently communicated the discovery of a short and easy transit across the Cordillera at this point. According to his statement, the mountain is depressed to an elevation of fifty-eight metres (190 feet) above the level of tide-water; the distance between the waters, navigable by canoe, on the two sides of the mountain is only three miles.

Since the verification of these estimates is about to be undertaken by competent authority, it is not expedient to say anything further on this route than this: that it is expressly pointed out by Fitz Roy, and drawn on his general map, and that it is also mentioned at length by Trautwine. A regular survey by the Government would be desirable, whether the present private enterprise on foot should make any important discoveries or not.

E.—THE ATRATO ROUTE.

For many years explorations have, from time to time, been carried through the valley of the Atrato to various points on the Pacific coast in search of a suitable path for effecting a union of the two oceans by a ship canal without locks. These explorations have, in one respect, been satisfactory. They have been conducted by able engineers who enjoyed the confidence of the public, and they have been given to the world in the most useful and intelligible form. We are now sure that we are well acquainted with the region, especially in those particular parts over which the surveyors have passed. Whoever will take the pains to study the maps and reports of Trautwine, Kennish, and Colonel Michler of the United States engineers, will be able to form an independent opinion with regard to the practicability of finding in this direction the means of fulfilling the world's expectation of a passage through the great American isthmus. It is well known that we are indebted to one gentleman, principally, for all these trustworthy contributions to our geographical knowledge.

In the year 1852, Mr. Kelley, of New York, influenced by the early reports of

Humboldt, (who, however, it must be remembered, does not here speak from his own knowledge, but merely recites what is communicated by others,) and inspired by the grandeur of the object, commenced a series of surveys, beginning at the mouth of the Atrato river, and crossing the Cordilleras at several points. Of these surveys I will here give a brief account, in order to show precisely where we stand in regard to this region. What is here said concerning the early history of these undertakings is taken, in part, from a paper communicated to the Royal Géographical Society of London, by its secretary, Dr. Norton Shaw, in 1856.

The first expedition undertaken at the expense of Mr. Kelley and other gentlemen, was placed under the direction of Mr. J. C. Trautwine, an engineer of Philadelphia who had already acquired distinction in Honduras and in the work of the Panama railway. Mr. Trautwine surveyed the mouth of the Atrato, and then ascended the river to Quibdó, examining several of its tributaries in passing. Above Quibdó he followed first the tributary Quito, and then the tributary Pato to its source; here he crossed the dividing ridge of the Cordilleras, and took a canoe on the river Baudo, which he traced to its mouth on the Pacific. Returning on his steps he turned off from the Baudo, at the mouth of the Pepé, which river he ascended to its source, and crossed the mountains on a second track to the river Surucco, one of the headwaters of the San Juan, and proceeded along the last-named river on a third track. He crossed from San Juan to Quibdó, which track leads across the water-shed said to have been intersected by the famous Raspadura canal. The existence of this canal is now disproved, if the word canal is intended to signify a practicable artificial water-course, constructed and employed for the passage of boats or vessels.*

This route was again traversed by Mr. Trautwine when he returned from Quibdó, and navigated the river San Juan throughout its length to the bay of Chirambira, on the Pacific coast. Thus it will be seen that Mr. Trautwine during his expedition crossed the Cordillera at three different places. A copy of Mr. Trautwine's map is included in the appended series and numbered X; it embraces his plan and elevation of the dividing ridge between the Atrato and San Juan rivers.

In 1853, another expedition was fitted out by Mr. Kelley, at his own expense, and placed in charge of Mr. Lane and Mr. Porter, civil engineers of New York, with instructions to extend and follow up the investigations of Mr. Trautwine. Mr. Porter pursued the route previously taken by Mr. Trautwine, ascending the Atrato, and crossing over the dividing ridge to San Pablo, on the San Juan. His observations harmonized entirely with those of his predecessor. Mr. Lane, after examining the Atrato to Quibdó, took the eastern course along the Atrato to the Andagueda, whence he crossed the dividing ridge to the San Juan. He also examined the supposed Raspadura canal. Throughout his expeditions his results agree with those previously reported by Mr. Trautwine.

We may sum up the results of these surveys, so far as the question of an interoceanic canal is concerned, in the following declaration: The examination of the headwaters of the Atrato, of the intervening water-shed, and of the headwaters of the San Juan, satisfactorily proved that nature forbids us altogether to entertain the idea of a union of the two oceans in this direction.

Mr. Kelley's indefatigable spirit of inquiry took a new course. Humboldt had been told that from the bay of Cupica eastward, for a distance of fifteen or eighteen miles, the ground was level and suitable for a canal which would

* It is worth mentioning, as a matter of curiosity, that this canal of Raspadura has been actually laid down on a large chart of South America, and also on a chart of Columbia, both by Brué, and also on a chart of New Granada, given by Malte Brun, (père,) in the 16th vol. of the *Annales des Voyages* for the year 1811. This last chart passed under Humboldt's review. (Malte Brun, (fils,) 1857, p. 22, note.)

terminate on the river Napipi. It was represented to him that between this part of the coast and the valley of the Atrato the chain of the Andes is entirely broken, and on this point he quotes the authority of an intelligent Biscayan pilot. A number of other authorities are cited by Fitz Roy, particularly Lieutenant Wood, royal navy, and Captain Illingsworth, (*Journal Royal Geographical Society*, 1851, p. 178,) who give color to the correctness of this statement by circumstantial facts; and, in addition to all this, the opinion is so current in the country that the native Indians are in the habit of passing, freely and without difficulty, between the Pacific coast and the tributaries of the Atrato, that it probably has some better foundation than we are aware of.

Acting upon these reports, Mr. Kelley fitted out two other expeditions in the year 1854, one of which, under Mr. Lane, was despatched to the Truando, and the other, under Mr. William Kennish, was directed to commence operations on the side of the Pacific. Mr. Kelley's instructions to Mr. Kennish were drawn up in accordance with the preceding information. He was to follow the coast from Point Garachine southward to 7° north latitude, (Cupica bay is $6^{\circ} 41' 19''$ north,) and to look for any depression in the range of the Cordillera which held out the prospect of an open cut without resorting to locks, and on observing any such place, he was to institute a thorough survey, for which the means and instruments were provided.

Mr. Kennish, after passing the bold and mountainous region to the northward of Punta Ardita, met with a remarkable depression opposite that portion of the coast which lies to the southward of that point, and between it and Punta Marzo. Mr. Kennish says in his report: "In this interval the country loses its mountainous character entirely, and assumes the appearance of a gradual rise or slope, with hills of little elevation in the distance."

Opposite this depression of the Cordilleras, he discovered an inlet not before described, but now known as Kelley's inlet, affording convenient shelter and anchorage, into which the Paracuchichi empties its waters.

Encouraged by these favorable conditions, and by the best information he could obtain from the natives, he determined to cross from that point to the Atrato by the shortest course. The party, following the course of the streams on the west of the water-shed, crossed the summit at a height of five hundred and forty (540) feet, and descended over a series of falls to the Nerqua, a tributary of the Truando, along which rivers they proceeded to the Atrato. The information furnished by Mr. Kennish's survey, particularly tending as it did to strengthen the previous reports of Humboldt and other travellers, was received everywhere with attention.

In England, the subject was taken up by the Royal Geographical Society and by the Institution for Civil Engineers, and freely discussed in all its bearings. In the United States the government thought it worth while to ask for a special appropriation to defray the expenses of an expedition to the same region for the purpose of verifying Mr. Kennish's explorations.

This expedition was placed under the direction of Lieutenant (now Brigadier General) Michler, of the engineers, and Lieutenant (the late lamented Commander) T. A. Craven, United States navy; the hydrographic work being assigned to the latter, and "the explorations and verifications of surveys already made near the Isthmus of Darien to the former." The reports of Mr. Kennish were confirmed in all essential particulars; but beyond this—and what, perhaps, is more important—General Michler's work was conducted with all the advantages which the best instruments and the most thorough education can confer. His topography and his levels furnish us with a complete representation of this region, reliable in all its details, and not subject to any of those painful doubts which belong to mere reconnaissance or primary exploration. It is in the highest degree satisfactory to know precisely what we are to expect in this part of the Cordilleras, which has given rise to such ardent hopes in the minds

of numerous writers and explorers, from Humboldt and his native correspondents, who first drew his attention in this direction, down to Kelley and Michler. General Michler, it is very interesting to know, is struck with the same promising but deceptive appearance of the mountain range when viewed from the ocean. He says: "In looking back from the ocean upon the country through which the party recently travelled, the depression in the Cordilleras becomes plainly visible. It seems, in reality, to lose the mountainous character entirely, and assumes the character of a gradual rise or slope, with hills of little elevation in the distance. The dense growth of timber which mantles the crests of the hills makes the resemblance to a low flat region still more apparent; and when beheld from a little distance out at sea the view must be still more strikingly so. One can easily, therefore, conceive why a preference should have been shown to this section by those interested in explorations of a route for a ship canal." (Report, p. 93, Ex. Doc. No. 9, 36th Cong. 2d sess., Senate.)

The annexed sheets, numbered XI and XII, contain the map and profiles of General Michler's line of survey, from the mouth of the Truando to Kelley's inlet. This map, studied in connexion with his itinerary, (pp. 49-99, *ibid.*,) will make the reader thoroughly acquainted with this now celebrated Isthmus of Choco, not only with the physical geography, geology, natural history, &c., but with the mode of travel and the manners and customs of the people.

Both Trautwine and Michler have, through their experience, given us some important lessons upon the conduct of expeditionary parties in these regions. Both of these gentlemen were, in spite of their best precautions, exposed to considerable hardship and privation. (See their reports, *passim*.) I should fail to profit by these lessons if I were not to point out the necessity for providing all future surveying and exploring expeditions with provisions in a concentrated form. This is a matter not to be overlooked.

Before concluding this branch of the subject, I must not omit to mention an important point in which Trautwine and Michler fully concur, and that is, the docile and tractable character of the native Indians. Neither of them had any difficulty in securing aid, and never failed to receive from them kindness and good will. "I never," says Trautwine, "in all my New Granadian experience, felt myself to be among ruffians. Among the Indian tribes through which I passed, I laid aside my pistols, and armed myself with a pocketful of cigars. A present of an empty sardine box was more effective than a two-edged sword; and a lump of sugar to a papoose was a better passport than my government could afford."

The greatest regret was experienced by General Michler in being compelled to part with two of his native assistants who had been long with him. These statements must be understood, however, to apply to the Indians of the valley of the Atrato, and not to those of the Isthmus of Darien proper.

CONCLUSION.

We get the idea of the value attached to the construction of a ship canal across the American isthmus—"the mightiest event, probably, in favor of the peaceful intercourse of nations which the physical circumstances of the globe present to the enterprise of man"—from the character of the minds which have taken an interest in the scheme, as well as from the number of projects which have been offered for its fulfilment. Among the governing minds of the world which have recognized the consequences to the welfare of mankind with which this undertaking is pregnant, may be mentioned that of Pitt. It will be remembered by the readers of diplomatic history that the plan for the emancipation of the Spanish colonies from the mother country, which was drawn up by Miranda and his associate deputies and commissioners and presented to the British government, contains in the sixth article a stipulation for the opening of navigation

between the Atlantic and Pacific oceans by the Isthmus of Panama, as well as by Lake Nicaragua. This document is dated Paris, December 22, 1797. Mr. Pitt entered with promptness into the scheme.

So, also, our own Jefferson bestowed his thoughts and interest upon this subject, as may be seen in more than one of his letters to Mr. Carmichael.

In one of them, dated Paris, May 27, 1788, he says : * * " With respect to the Isthmus of Panama, I am assured by Burgoine that a survey was made, and a canal appeared very practicable ; but the idea was suppressed for reasons altogether political. He has seen and minutely examined the report. This report is to me a vast desideratum, for reasons political and philosophical." * * (Jefferson's Works, vol. 2.)

I have spoken of the number of projects which have been offered to the world. Including canals and roads they amount in all to twenty-six, (26,) as shown by the following tables, taken principally from Malte Brun, (fils.)

TABLES.

CANALS.

I.....	1. Tehuantepec, by the Coatzacoalcos and Chicapa.
II.....	2. Honduras.
III. { River San Juan de Nicaragua. Lake Nicaragua.	3. R. San Carlos, G. de Nicoya.
	4. R. Niño, Tempisque, G. de Nicoya.
	5. R. Sapoa, B. Salinas.
	6. San Juan del Sur.
	7. Brito.
	8. R. Tamarinda.
	9. P. Realejo.
IV... Panama { L. Managua. R. Chagres.	10. B. Fonseca.
	11. Gorgona, Panama.
	12. Trinidad, Caymito.
	13. Navy Bay, R. Chagres, R. Bonito, R. Bernardo.
	14. San Blas, R. Chepo.
	15. B. Caledonia, G. San Miguel.
	16. Rs. Arguia, Paya, Tuyra, G. San Miguel.
V.... Darien { Rio Atrato.	17. R. Napipi, Cupica.
	18. R. Truando, Kelley's I.
	19. R. Tuyra, G. Urabá or R. Atrato.

ROADS

- I.—Coatzacoalcos, Tehuantepec.
- II.—B. Honduras to G. of Fonseca.
- III.—R. San Juan, Nicaragua, Managua, G. of Fonseca.
- IV.—Chiriqui inlet to Golfo Dulce.
- V.—Aspinwall, Panama, (railroad finished.)
- VI.—Gorgon B., Realejo.
- VII.—Gorgon B., San Juan del Sur.

I have adopted Malte Brun's general classification as being in fact the natural one. It begins with Tehuantepec and ends with Darien and the Atrato. I have, in the preceding pages, considered each one of these general lines separately, and presented an accurate profile ; and, in some cases, both map and profile of each on a scale sufficiently large to be perfectly intelligible. Ample data are furnished for estimating distances, heights, summit levels, and locks, where locks form part of the plan ; and, in general, for answering all the inquiries of the resolution. I have reported upon " their relative merits as practicable,

lines for the construction of a ship canal," and it now remains for me to express an opinion whether "the Isthmus of Darien has been satisfactorily explored."

The Isthmus of Darien has not been satisfactorily explored. With the exception of the line of survey from Chepo to San Blas, the knowledge of which, through the kindness of Mr. Kelley, is first given to the world in this report, and with the exception of the explorations of Prevost and Gisborne, and the solitary and unrecorded, and therefore unsatisfactory journeys of Dr. Cullen,* the interior of the Isthmus of Darien, east of the Panama railroad, is almost a *terra incognita*.

Strange as it may seem, when it is considered that this is the part of the continent first settled, and that it has always commanded the greatest attention on account of this very question now before us, yet it is strictly true, with the exceptions above, that the best knowledge we possess of the isthmus is derived from the journals of Dampier and his companions, from the reports of Paterson, and from the brief journal, already quoted, of Milla.

There does not exist, in the libraries of the world, the means of determining, even approximately, the most practicable route for a ship canal across the isthmus. Our really authentic information amounts to this, that at that part of the American isthmus where the oceans approach each other, nature has supplied harbors of unsurpassed excellence on both sides, and navigable rivers that invite the traveller to penetrate into the wilderness; while on one side she has established a tidal condition in the highest degree favorable to the needs of a commerce which traverses the great seas. In the immediate neighborhood of this isthmus is a country (of which it forms a part) possessing features that give it eminence among the nations. It has good ports on the Atlantic and Pacific oceans; it is mistress of the Isthmuses of Panama and Darien, which already enjoy great importance in the world's commerce, and are destined hereafter to acquire still more; it has great agricultural resources; while in its physico-geographical structure it embraces valleys traversed by noble rivers; table-lands, at different elevations, that afford a variety of climate and production; and mountains in which still lies buried an incalculable amount of mineral wealth, and at the foot of which the native Indian, with the rudest means and appliances, collects, in a few hours, gold enough to enable him to pass weeks or months in indolence and diversion.

It is to the Isthmus of Darien that we are first to look for the solution of the great problem of an interoceanic canal. We know enough of the interior topography to adopt the view of Dr. Cullen, that if we leave the Indian trail, which always passes over the highest ground, and explore the country beyond the ordinary line of travel, we shall probably find a valley transversely dividing the Cordilleras, or at least a lower ridge than any yet surveyed. Our most trustworthy engineers in these regions, Trautwine, Michler, Prevost, McDougal, and others, tell us that it is impossible, from the very limited inspection of the country taken on the Indian line of travel, to form any conception of the nature of the ground even in the immediate vicinity. This is owing to the unbroken forest of heavy timber, of which Paterson gives an idea in the first letter to the Directors, in the following words: "The hills are clothed with tall trees without any underwood, so that one may gallop conveniently among them many miles, free from sun and rain, unless of a great continuance."—(Dalrymple, *ubi supra*.) But there is also abundant evidence in the accounts of our most recent explorers that there is to be found, in many places, a dense and tangled underwood, which admits of no progress except by removal. The future surveyors must, therefore, go prepared to encounter this as well as other difficulties. There are two provisions which appear to me indispensable in future expeditions:

* Not only unsatisfactory, but it is my duty to say, even doubtful.

First, rations, in a concentrated and portable form, to enable the surveyors to prosecute their investigations at leisure.

Secondly, the means of removing the undergrowth and clearing the way for pioneers; and for this latter purpose a corps of native Indians may be employed with their *machetes*, and fire may be resorted to, as suggested by Fitz Roy.

I have added to this report some statistical tables, (Appendix No. 1,) derived almost entirely from Mr. Kelley's publications, showing the advantages of this canal, so far as those advantages can be displayed by statistics merely. Statistics, however, constitute the frame-work which, to be correctly understood, must be filled up with all that creates symmetry, progress, and life. Besides, these figures are necessarily limited to the existing state of traffic and intercourse, or, rather, to that which did exist before the commerce of the country was disturbed by the rebellion.

If the distance between the nearest continent and the most ancient seat of human life were diminished by one-half, and if, in addition to this, the voyages between the two hemispheres were rendered much less hazardous and difficult, such an interchange of their production and labor would take place as it is now impossible to imagine. Already the remote colonies of Australia and New Zealand are eager to profit by the advantages of this newer and shorter line of communication. In 1863, the postmaster general of New Zealand arrived in England empowered to offer £30,000 per annum, from the 1st of January, 1864, for four years, as a contribution toward carrying out a steam line *via* the Central American isthmus. New South Wales agreed to vote £50,000 sterling per annum for the same service.* (Pim., p. 374, note.)

It is from a like point of view that we are led into the contemplation of the grandeur of the project for uniting the two oceans. But as a consequence of its importance and general interest to the commerce of the whole world, it is our duty to collect and collate all authentic information before proceeding to the execution of such an undertaking. We must remember that we are about to construct a work that not only must satisfy the necessities of the moment, but must be suited to meet the wants of the future, and be useful to all coming ages.

The interoceanic canal, in width, depth, in supply of water, in good anchorage and secure harbors at both ends, and in absolute freedom from obstruction by lifting locks or otherwise, must possess, as nearly as possible, the character of a strait. It may be thought premature to say that the time has arrived for its execution. But it will not be denied that the present opportunity is the most favorable that could possibly arise for conducting, on our part, the preliminary surveys without interruption, interference, or unwelcome participation.

A list of the principal authorities relating to projects of interoceanic communication through the American isthmuses is appended hereto for the convenience of those who may have occasion to look into this subject either more fully or more comprehensively than is consistent with the prescribed limits and objects of this report.

C. H. DAVIS,

Rear-Admiral, Superintendent.

UNITED STATES NAVAL OBSERVATORY,

Washington, D. C., July 10, 1866.

* While this report is passing through the press we see that a new line of mail packets, subsidized by the government of New Zealand, has been established between Panama and Wellington, making monthly departures from Panama about the 24th of each month, or on the arrival of the mail from Southampton.

APPENDIX No. I.

Containing several tables compiled by Mr. F. W. Kelley, and designed to present a general view of some of the immediate results of a canal through the isthmus.

Table of the saving in distance from New York to the following places, by the Isthmus of Panama, over the Cape routes :

From New York to—	Distance <i>via</i> Cape of Good Hope.	Distance <i>via</i> Cape Horn.	Distance <i>via</i> the Isthmus of Panama.	Saving in distance over the route by Cape of Good Hope.	Saving in distance over the route by Cape Horn.
	Miles.	Miles.	Miles.	Miles.	Miles.
Calcutta.....	17,500	23,000	13,400	4,100	9,600
Canton.....	19,500	21,500	10,600	8,900	10,900
Shanghai.....	20,000	22,000	10,400	9,600	11,600
Valparaiso.....		12,900	4,800		8,100
Callao.....		13,500	3,500		10,000
Guayaquil.....		14,300	2,800		11,500
Panama.....		16,000	2,000		14,000
San Blas.....		17,800	3,800		14,000
Mazatlan.....		18,000	4,000		14,000
San Diego.....		18,500	4,500		14,000
San Francisco.....		19,000	5,000		14,000
Wellington, N. Z.....	13,740	11,100	8,480	5,260	2,620
Melbourne, Australia.....	13,230	12,720	9,890	3,340	2,830

*Table showing the trade of the United States that would pass through the isthmus canal, if now finished; taken from the official returns for the year 1857.**

Countries traded with.	Exports and imports.	Tonnage.
Russian North American possessions.....	\$126,537	\$5,735
Dutch East Indies.....	904,550	16,589
British Australia and New Zealand.....	4,728,083	52,105
British East Indies.....	11,744,151	177,121
French East Indies.....	98,432	3,665
Half of Mexico.....	9,601,063	34,673
Half of New Granada.....	5,375,354	131,708
Central America.....	425,081	36,599
Chile.....	6,645,634	63,749
Peru.....	716,679	193,131
Ecuador.....	48,979	1,979
Sandwich islands.....	1,151,849	33,876
China.....	12,752,062	123,578
Other ports in Asia and Pacific.....	80,143	4,549
Whale fisheries.....	10,796,090	116,730
California to east United States †.....	35,000,000	861,698
Value of cargoes.....	100,294,687	1,857,485
Value of ships.....	92,874,250	at \$50 per ton.
Total value of ships and cargoes.....	193,168,937	92,874,250

* Congressional Reports on Commerce and Navigation.

† Exclusive of gold dust.

Whale ships and coasting vessels have been estimated generally throughout this Appendix at forty dollars (\$40) per ton. The United States and European commerce around the capes is conducted in first-class ships, which often cost eighty dollars (\$80) per ton; fifty dollars (\$50) have therefore been taken as the fair average value in the construction of this table, which does not include coasting trade.

Table showing the trade of England that would pass through the isthmus canal, if now finished; taken from the official returns for the year 1856.

Countries traded with.	Exports and imports.	Tonnage.
Half of Mexico.....	\$2,775,137	\$11,833
Half of Central America.....	1,244,817	5,615
Half of New Granada.....	2,437,605	10,188
Chile.....	15,486,110	118,311
Peru.....	20,473,520	244,319
Equador.....	360,015	1,820
China.....	7,077,390	68,530
Java.....	3,821,410	16,003
Singapore.....	4,364,070	16,500
Australia and New Zealand.....	78,246,095	522,426
Sandwich islands.....	520,560	1,950
California.....	2,378,105	11,800
Value of trade.....	139,184,834	1,029,295
Value of ships.....	51,464,750	at \$50 per ton.
Total value of trade and ships.....	190,649,584	51,464,750

Table showing the trade of France that would pass through the isthmus canal, if now finished; taken from the official returns for the year 1857.

Countries traded with.	Exports and imports.	Tonnage.
Chile.....	\$10,000,000	\$25,688
Peru.....	13,160,000	35,096
Half of Mexico.....	2,790,000	10,004
Half of New Granada.....	1,090,000	2,389
Equador.....	440,000	1,651
Bolivia.....	100,000	1,000
California.....	2,073,859	8,997
China.....	2,180,000	2,028
Dutch East Indies.....	4,440,000	20,400
Sandwich islands.....	2,000,000	4,119
Philippine islands.....	1,000,000	1,463
Australia.....	19,800,000	50,000
Value of cargoes.....	59,073,859	162,735
Value of ships.....	8,136,750	at \$50 per ton.
Total value.....	67,210,609	8,136,750

Table showing the total tonnage that would pass yearly through the isthmus canal, if now finished; from official returns.

	Tons.
United States.....	1, 857, 485
England.....	1, 029, 295
France.....	162, 735
Other countries.....	44, 555
Total	3, 094, 070

Table showing the general results of the foregoing tables.

Tonnage and trade of United States.....	\$193, 168, 937
Do. England	190, 649, 584
Do. France.....	67, 210, 609
Do. Other countries.....	16, 802, 000
Total trade affected by the canal.....	467, 831, 130

Table showing the saving in money to the trade of the United States that would result from the use of the isthmus canal; according to the official statistics for the year 1857.

Insurance on vessels and cargoes saved.....	\$3, 863, 378
Interest saved on cargoes.....	3, 008, 840
Saving of wear and tear of ships, five per cent.....	4, 643, 712
Saving of freight money, (by time).....	11, 250, 000
Saving of wages, provisions, crew, &c.....	13, 230, 000
Total yearly saving to the United States.....	35, 995, 930

Table showing the yearly saving in money to the trade of England, as ascertained by the official returns for 1856, if the trade passed through the isthmus canal instead of round the capes.

Insurance on vessels and cargoes.....	\$1, 906, 495
Interest on cargoes.....	1, 858, 826
Saving of wear and tear of ships.....	2, 573, 237
Saving of wages, provisions, &c.....	3, 611, 790
Total yearly saving to England.....	9, 950, 348

Table showing the saving in money to the trade of France that would result from the use of the isthmus canal; according to the official statistics for the year 1857.

Insurance on vessels and cargoes	\$753, 000
Interest saved on cargoes.....	452, 084
Saving of wear and tear of ships.....	325, 470
Saving of freight money, estimated by time.....	276, 949
Saving of wages, provisions, and outfit of ships.....	376, 427
Total yearly saving to France.....	2, 183, 930

Table showing the saving to the trade of the world by using the isthmus canal.

United States.....	\$35,995,930
England.....	9,950,348
France.....	2,183,930
Other countries*.....	1,400,000
Total.....	<u>49,530,208</u>

Exports of Great Britain increased one hundred and seven per cent. in ten years. Exports of France increased one hundred and thirty per cent. in ten years. Exports of the United States increased ninety-three per cent. in ten years. If the trade increases one hundred per cent. in the next ten years, the saving to the world will then be ninety-nine millions sixty thousand four hundred and sixteen dollars (\$99,060,416) per annum.

APPENDIX No. II.

List of maps and profiles prepared for the report on interoceanic communication, in answer to the resolution of the Senate of the United States of March 19, 1866.

No. I. General map of the American isthmuses, showing the various lines proposed for interoceanic communication; compiled by Rear-Admiral C. H. Davis, United States navy, superintendent United States Naval Observatory; July, 1866.

No. II. Profiles of the Isthmus of Tehuantepec, taken from surveys made under the direction of J. G. Barnard, colonel United States engineers, 1851; J. W. Williams, principal assistant.

No. III. Map and vertical section of the proposed Honduras interoceanic railway, located 1857-'58; Squier, Trautwine, Jeffers.

No. IV. Map and profile of the route for the construction of a ship canal from the Atlantic to the Pacific ocean across the isthmus in the State of Nicaragua, Central America; surveyed for American Atlantic and Pacific Ship-canal Company by O. W. Childs, 1850-'51.

No. V. Map of the isthmus between Chagres and Panama; by Chief Engineer Napoleon Garella, 1845.

No. VI. Survey for Panama railroad; Colonel G. W. Hughes, 1849.

No. VII. Map and profile of the route for the construction of a ship canal between the Pacific and Atlantic oceans; A. McDougal, chief engineer; C. A. Sweet, J. E. Forman, and N. Rude, assistants; 1864. (Surveyed for Mr. F. M. Kelley.)

No. VIII. Isthmus of Darien; map showing the routes of Prevost and Gisborne; 1854.

No. IX. Map of part of the Isthmus of Darien by Dr. Cullen; 1853.

No. X. Map of an exploration for an interoceanic canal by way of the rivers Atrato and San Juan in New Granada, South America; laid down from observations made by J. C. Trautwine, civil engineer; 1852.

No. XI. General sketch of the surveys for an interoceanic ship-canal near the Isthmus of Darien, *viá* the rivers Atrato and Truando; Michler, 1858-'59.

No. XII. Interoceanic ship canal, *viá* the Atrato and Truando rivers; Michler, 1858-'59.

No. XIII. Isthmus of Darien from 77° 20' to 80° 10'; compiled at the United States Naval Observatory from various authorities, including maps of 1764; 1865-'66.

* Equated from the trade of England, France, and the United States.

APPENDIX No. III.

List of the principal authorities relating to projects of interoceanic communication through the American isthmuses.

Considerations on the great Isthmus of Central America Captain R. Fitz Roy, Royal Navy, in Journal of Royal Geographical Society. Volumes XX, and XXIII. (Library of Congress.)

Report on Interoceanic Ship Canal from San Juan del Norte to Brito, Nicaragua. O. W. Childs and J. D. Fay. 1852. (Observatory library.)

Report to the Directors of the Honduras Interoceanic Railway Company. E. G. Squier, esq. London, 1858. Chemin de fer Interoceanique de Honduras. Rapport de E. G. Squier. Paris, 1855. (Observatory library.)

The Isthmus of Tehuantepec, being the results of a survey for a railroad to connect the Atlantic and Pacific oceans, made by the Scientific Commission under the direction of Major J. G. Barnard. J. J. Williams, principal assistant engineer. New York, 1852. (Library of Congress: library of State Department.)

Central America. John Bailey. London, 1850. Memoir on the Lake of Granada, the river San Juan, and the isthmus between the lake and the Pacific ocean, in Nicaragua. J. Bailey. (A survey under the authority of General Morazan. 1837-'38.) (Library of Congress.)

Survey of the Isthmus of Tehuantepec, 1842-'3, under a scientific commission appointed by the projector, Don José Garay, 1842. Journal Royal Geographical Society, volume XIV. London, 1844. (Library of Congress.)

Levelings across the Isthmus of Panama, to ascertain the relative height of the Pacific at Panama, and of the Atlantic at the mouth of the river Chagres. John A. Lloyd, in the Philosophical Transactions of the Royal Society for 1830. Supplement to the same in Journal Royal Geographical Society. Volume I. (Observatory library.)

Projet d'un Canal de jonction de l'océan Pacifique et l'océan Atlantique à travers l'Isthme de Panama. Paris, 1845. Napoléon Garella. (Library of Congress.)

Rapport sur le projet de M. Garella, ingénieur en chef des mines. Annales des Ponts et Chaussées Memoires, et Documents. Volume 13. (Library of War Department, Bureau of Engineers.)

L'Isthme de Panama. Examen historique et géographique des différentes directions suivant lesquelles on pourrait le percer, et des moyens à y employer, par M. Chevalier. Paris, 1844. (Library of War Department, Bureau of Engineers.)

L'Isthme de Panama. Memoire de Michel Chevalier in Annales des Ponts et Chaussées. Memoires et Documents, volume 7. (War Department, Bureau of Engineers.)

Report of the Secretary of War, communicating Lieutenant N. Michler's report of his survey for an interoceanic ship canal near the Isthmus of Darien. 1861. (Observatory Library.)

Nicaragua: The Proposed Interoceanic Canal. E. G. Squier. New York, 1858. (Library of Congress.)

Notes on Central America: The Proposed Honduras Interoceanic Railway. E. G. Squier. New York, 1858.

Memoria sobre la Geografia, Fisica y Politica, de la Nueva Granada. Dedicada à La Sociedad Geografica y Estadistica de Nueva York. Por el General J. C. De Mosquera, presidente de la Nueva Granada, Miembro Honorario de la Sociedad de Agronomia Practica de Paris, &c., &c., &c. New York, 1852.

Incidents of Travel in Central America. J. L. Stephens. 1852. (Observatory library.)

The Junction of the Atlantic and Pacific Oceans by a ship canal without locks, by the valley of the Atrato. (Pamphlet.) F. M. Kelley. New York, 1856.

The union of the oceans by ship-canal without locks, *viá* the Atrato valley. F. M. Kelley. 1859.

Explorations through the valley of the Atrato to the Pacific in search of a route for a ship canal. F. M. Kelley, New York, in Journal Royal Geographical Society. Volume 26. (Library of Congress.)

Rough notes of an exploration for an interoceanic canal by way of the rivers Atrato and San Juan in New Granada, South America. J. C. Trautwine, civil engineer. Philadelphia, 1854. Also in Journal Franklin Institute. Volumes 1854-55. (Smithsonian library.)

Noticias Americanas entretenimientos phisico-historicos sobre la America Meridional y la Septentrional Oriental. Antonio de Ulloa. Madrid, 1774. (Library of Congress.)

Conquista de Mexico. F. Lopez de Gomara. Madrid, 1852. (Library of Congress.)

Historica General de las Indias. F. L. Gomara. Madrid, 1852. (Library of Congress.)

Isthmus of Darien ship canal, with history of the Scotch colony of Darien. E. Cullen. London, 1853. (Library of State Department.)

A report of the mismanaged expedition of 1854, with suggestions for a survey. E. Cullen, 1856.

Over Darien by a ship canal.

William Paterson, the merchant, &c., by S. Bannister; 1858. Edinburg.

Central America, 1701, with a map from a manuscript in British Museum. Wm. Paterson. Edited by S. Bannister. London, 1857. (Library of Congress.)

Journal of the Expedition of Inquiry for the junction of the Atlantic and Pacific oceans. Lionel Gisborne. London, 1853. (Library of Congress.)

Official Report of the Proceedings of the Exploring Party under Commander J. C. Prevost, of her Majesty's steamer Virago, sent to cross the Isthmus of Darien. Journal of the Royal Geographical Society, vol. xxiv. (Library of Congress.)

Observations on the Territory of Burica, in the Province of Chiriqui, Isthmus of Panama. J. H. Smith. Journal of the Royal Geographical Society, vol. xxiv. (Library of Congress.)

The new route through Chiriqui; Harpers' Magazine, January, 1861.

A succinct view and analysis of information on the practicability of joining the Atlantic and Pacific oceans by a ship canal. R. B. Pitman. London, 1825. (Library of Congress.)

Considerations sur les interets politiques et commerciaux qui se rattachent à l'isthme de Panama. A. Denain. Paris, 1845. (Library of Congress.)

Writings of William Paterson, with a biographical introduction, 2 vols. 8vo., 1858.

History of the Buccaneers of America, 2 vols., London, 1741. (Library of Congress.)

Memoirs of Great Britain and Ireland. Sir John Dalrymple, vol. ii. (Library of Congress.)

The Isthmus of Tehuantepec; Herr M. G. Hermesdorff. Journal of the Royal Geographical Society, vol. xxxii. (Library of Congress.)

Einige Technische Nachrichten von den Entwürfen zur verbindung des Mittelmeeres mit dem Rothen meere bei Suez und des Atlantischen meeres mit dem Stillen mere bei Panama durch canale und Eisenbahnen. Berlin, 1846. (Admiralty library.)

The practicability and importance of a ship canal to connect the Atlantic and Pacific oceans, with a history of the enterprise from its first inception to the completion of the survey. Pamphlet. New York, 1855. (Kennish's survey.) (Admiralty library.)

Memoria Historica sobre el canal de Nicaragua. Guatemala, 1855. (Admiralty library.)

Account of the Isthmus of Tehuantepec, with proposals for establishing a communication between the Atlantic and Pacific oceans. Pamphlet. London, 1846. (Admiralty library.)

Political Essay upon New Spain; Alex. von Humboldt. Essai Politique sur le Royaume de Nouvelle Espagne; Alex. von Humboldt. (Library of Congress.)

Observations on the Isthmus of Panama; Wheelwright, 1843. (Library of Congress.)

Voyage around the Globe; W. Dampier. London, 1729. (Library of Congress.)

Encyclopædia Britannica, vols. ii, v, vii, viii, xii, xvi, xvii. (Library of War Department, Bureau of Engineers.)

Bulletin of the American Geographical and Statistical Society for 1854, for interoceanic communication across the Isthmus of Panama or Darien, by George B. Watts. (Observatory library.)

Bulletin of the American Geographical and Statistical Society for 1859, for "the Isthmus of Tehuantepec," by J. McL. Murphy. (Observatory library.)

Mittheilungen aus Justus Perthes, Geographischer Anstalt; Dr. A. Peterman. Vols. for 1861-'62-'63. (Observatory library.)

Voyage and Description of the Isthmus of Darien; Lionel Wafer. London, 1699. (Library of Congress.)

Central America: Colonel Don Juan Galindo, corresponding member Royal Geographical Society; Journal of Society, vol. vi. (Library of Congress.)

Message of the President of the United States in relation to Central America. 1850. (Observatory library.)

Speech of Hon. Edward Everett. 1853. (Observatory library.)

Speech of Hon. E. Ward, of New York. February 15, 1859. (Observatory library.)

Œuvres de Napoléon III, vol. 2.

Pamphlet on Nicaragua, with initials L. N. B.; published in London, 1847, and reprinted in Revue Britannique for 1859, and M. Belly's "Percements de l'Isthme." London, 1859.

Official despatch No. 278 from the American minister at Berlin, Mr. Wheaton, to the Secretary of State, December 17, 1845. [29th Cong. 2d sess., Exec., "confidential."] (Library of the Department of State.)

The Leader. (England.) July 31, 1858.

Panama, Nicaragua, and Tehuantepec; the Question of Communication between the Atlantic and Pacific; W. B. Liot. London, 1849. (Library of Congress.)

Seven Years' Travel in Central America, New Mexico, &c.; Julius Froebel. London, 1859. (Library of Congress.)

The Gate of the Pacific; Commander Bedford Pim, R. N. 1863. (Library of Congress.)

Proceedings of the Royal Geographical Society for 1861-'62 for the Discussion of Pim's Route. (Observatory library.)

Edinburgh Review for January 1809, and vol. XVI. (Library of the State Department.)

London Times, November 28 and December 11, 1850, and for February, 1853. (Library of the State Department.)

Colburn's New Monthly Magazine, July to December, 1850.

Report of British Association for 1850. (Observatory library.)

Canal Interocéanique par l'Isthme de Darien, Nouvelle Granada; (Amérique du Sud;) Canalization par Colonization. Paris, 1860. A. Airiau. (Astor library.)

Du Projet de Communication Interocéanique par l'Isthme de Darien ; V. A. Malte-Brun. Bulletin de la Société de Géographie de Paris, 1857. (Library of Congress.)

Exploration dans l'Isthme de Darien ; par M. Bourdiol, ingénieur civil ; 1864. (Bulletin de la Société de Géographie de Paris, 1864.) (Library of Congress.)

Report on the Progress of Geographical Science for the year 1864 ; V. A. Malte-Brun. (Bulletin de la Société de Géographie de Paris, 1864.) (Library of Congress.)

Annales des Voyages for 1857 for description of eighteen different routes across the Isthmus ; by V. A. Malte-Brun. Ditto, for chart of New Granada. Vol. 16, for 1811. (Astor library.)

The Darien Papers ; A Selection of Original Letters and Official Documents relating to the establishment of a colony at Darien, by the company of Scotland trading to Africa and the Indies. Edinburgh, 1849. (Library of Congress.)

Canalization des Isthmes de Suez et de Panama ; par les frères de la Compagnie Maritime de Saint Pie, ordre Religieux, Militaire, et Industriel. Paris, 1848. (Astor library.)

Report to the Hon. Secretary of the Navy ; by Lieutenant J. G. Strain. October 25, 1854.

A Paper on the History and Prospects of Interoceanic Communications by the American Isthmus ; J. G. Strain. New York, 1856. (Astor library.)

Panama in 1855 ; An Account of the Panama Railroad, of the Cities of Panama and Aspinwall, with Sketches of Life on the Isthmus. New York, 1855. (Astor library.)

Memoir of the Mexican Revolution. W. Robinson ; 1820. (Library of Congress.)

Canal Interoceanico, 1866 ; Bogotá. Imprenta de Gaitau. (Observatory library.)

Annales des Ponts et Chaussées ; Planches ; 1841 to 1845, and 1846 to 1850. (Library of War Department, Bureau of Engineers.)

Summary of Report on survey of the Isthmus of Darien, by Lionel Gisborne, F. R. G. S., in Journal Royal Geographical Society, vol. 27. (Library of Congress.)

Report on European Tunnels, by Charles S. Storrow, A. M., C. E., A. A. S. (Report of the Commissioners upon the Troy and Greenfield Railroad and Hoosac Tunnel, February 28, 1863 ; Massachusetts senate, No. 93.)

Seeman's Voyage of her Majesty's Ship Herald, 2 vols., 1853. (Observatory library.)

Journal Society of Arts ; London, January 23, 1857. (Observatory library.)

Harper's Weekly ; March 20, 1858. (Observatory library.)

The Bayanos River, Isthmus of Panama, by Laurence Oliphant, Secretary Royal Geographical Society, in proceedings of Royal Geographical Society ; April 24, 1865. (Observatory library.)

Nicaragua, Past, Present, and Future, by P. A. Stout ; Philadelphia, 1859. (Library of Congress.)

Explorations and Adventures in Honduras ; W. O. Wells, 1857. (Library of Congress.)

Jefferson's Works. (Library of Congress.)

Treaty between United States and New Granada ; 1848.

Clayton-Bulwer Treaty ; 1850.

Report of Colonel G. W. Hughes ; Survey of Panama Railroad ; 1849.

Report of a Survey for a Railroad through the Province of Chiriqui ; Commodore Frederick Engle, U. S. N. ; Assistants, Lieutenant Wm. N. Jeffers, U. S. N., Hydrographic Engineer ; Lieutenant J. St. Clair Morton, U. S. Eng.,

Topographical Engineer; Dr. Evans, Geologist. (New York Herald, December 8, 1860.)

Notes of an Excursion to the Isthmus of Tehuantepec. R. Dale. London, 1851. (Library of Congress.)

Travels in the Free States of Central America. Carl Scherzer. London, 1857. (Library of Congress.)

La prossima Comunicazione di tutt 'i Popoli Della Terra, (avec carte.) Memoria Statistico Geografica, del Cav. Ferd. de Luca.

Notice sur le Golfe Dulce dans l'État de Costa Rica, (Amérique Centrale,) et sur un Nouveau Passage entre les deux Océans, avec une carte, par M. Gabriel Lafond de Lurcy, Consul Général, Chargé d'Affaires de Costa Rica en France. Paris, 1856.

See, also, the authorities cited by Admiral Fitz Roy, in Journal Royal Geographical Society, vol. XX, which are not given in the preceding list, viz: Admiralty Hydrographic Office; Alcedo; Burney; Cochrane; Coutin; Edwards; Falmarc; Galindo; Guzman; Hamilton; Hughes; Jefferys; Juan; Lawrence; McQueen; Mollien; O'Leary; Purdy; Scarlett; Watts; Wood.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

The report of the Secretary of State, made in compliance with the requirements of an act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

JULY 19, 1866.—Read, ordered to lie on the table and be printed.

To the Senate and House of Representatives:

I herewith transmit to Congress a report dated 12th instant, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the 18th section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

ANDREW JOHNSON.

WASHINGTON, *July* 17, 1866.

DEPARTMENT OF STATE,
Washington, July 12, 1866.

The Secretary of State, in obedience to the 18th section of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, requiring "all such consuls general, consuls, commercial agents, consular agents as are allowed for their compensation the whole or any part of the fees which they may collect pursuant to the provisions of this act, and all vice-consuls and vice-commercial agents, appointed to perform the duties of said consuls general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees as aforesaid, shall make returns of all such fees as they or any other persons in their behalf shall so collect, in such manner as the Secretary of State shall prescribe, and all

such fees as shall be so collected, accounted for and reported shall be reported annually to Congress, with the report of the rates of tariffs, of fees required by the 17th section of this act, with a full list of all consular officers," has the honor to lay before the President a copy of the papers specified in the subjoined list.

WILLIAM H. SEWARD.

The PRESIDENT OF THE UNITED STATES.

List of papers accompanying the report of the Secretary of State to the President.

1. Fees collected, accounted for, and reported by consular officers of the United States for the year 1865, with a full list of all consular officers on the 31st December, 1865, and the place of their official residence, arranged in alphabetical order.

2. Tariff of consular fees.

Report of fees collected, accounted for, and reported by the consular officers of the United States for the year 1865, together with a full list of all consular officers in office December 31, 1865, and the places of their official residence.

LIST OF CONSULAR OFFICES, ETC

3

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Aberdeen, Scotland	Alexander Brand	Consular agent	.....	No fees reported.
Acapulco, Mexico	G. M. Cole	Commercial agent	\$1, 097 08	No fees reported 1st, 2d, and 4th qrs.
Adelaide, Australia	J. W. Smith	Consular agent	11 78	No fees reported.
Adra, Spain	Ramon Medina	do	.....	No fees reported.
Adrianople, Turkey	T. E. Blunt	do	.....	No fees reported.
Aguadilla, Porto Rico	C. Rieckehoff	do	40 19	No fees reported.
Aguas Calientes, Mexico	M. Metcalf	Consul	.....	No fees reported.
Aintab, Syria	S. de Picciotte	Consular agent	.....	No fees reported.
Aix-la-Chapelle, Prussia	W. H. Vesey	Consul	2, 996 51	No fees reported.
Akyab, Bengal	James Dickie	Consular agent	303 44	No fees reported.
Albany, Australia	W. C. Clifton	do	.....	No fees reported.
Aleppo, Syria	J. de Picciotte	do	.....	No fees reported.
Alexandretta, Syria	M. Levi	do	4 39	No fees reported.
Alexandria, Egypt	C. Hale	Consul general	.....	No fees reported 1st, 2d, and 4th qrs.
Algiers, Africa	E. L. Kingsbury	Consul	22 50	No fees reported.
Alicante, Spain	W. L. Giro	do	.....	No fees reported.
Almeria, Spain	F. P. Roman	Consular agent	20 00	No fees reported 4th quarter.
Altona, Denmark	W. Marsh	Consul	342 50	No fees reported.
Amoor River, Asia	P. McD. Collins	Commercial agent	51 92	No fees reported.
Amoy, China	W. P. Jones	Consul	436 89	No fees reported.
Amsterdam, Holland	J. E. Marx	do	650 40	No fees reported.
Ancona, Italy	Robert M. Beale	do	5 00	No fees reported.
Annapolis, Nova Scotia	W. R. Ruggles	Consular agent	.....	No fees reported.
Antigua, West Indies	M. Galody	Commercial agent	301 69	No fees reported.
Antwerp, Belgium	John Wilson	Consul	2, 948 45	No fees reported.
Apia, Navigator's Islands	J. M. Coe	Commercial agent	16 47	No fees reported 1st, 3d, and 4th qrs.
Archangel, Russia	E. Brandt	Consul	.....	No fees reported.
Arecibo, Porto Rico	C. F. Storer	Consular agent	138 18	No fees reported.
Arica, Peru	John T. Lansing	Consul	.....	No fees reported.
Arichat, Cape Breton	J. G. McKean	Consular agent	.....	No fees reported.
Aspinwall, U. S. of Colombia	F. W. Rice	Consul	6, 166 43	No fees reported.
Asuncion, Paraguay	.....	.....	.....	No fees reported.
Athens, Greece	H. M. Canfield	Consul	26 50	No fees reported.

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Augsburg, Bavaria	W. Colvin Brown	Consul .....	.....	No fees reported.
Anx Cayes, Hayti	I. de Long	do	\$526 39	No fees reported.
Aveiro, Portugal	H. L. Feurheerd	Consular agent .....	.....	No fees reported.
Bahia, Brazil	R. A. Edes	Consul	314 08	
Bangkok, Siam	J. M. Hood	do	246 21	
Baracoa, Cuba	P. E. Alayo	Consular agent	157 32	
Barbadoes	E. K. Sperry	Consul	1, 105 09	No fees reported 1st, 2d, and 4th qrs.
Barcelona, Spain	J. A. Little	do	262 04	
Barmen, Prussia	J. H. Albers	Consular agent	7, 730 00	
Barrington, Nova Scotia	G. Robertson	do .....	.....	No fees reported.
Basle, Switzerland	A. L. Wolf	Consul	5, 019 00	No fees reported 1st, 2d, and 4th qrs.
Bassein, India	J. Henderson	Consular agent	12 49	No fees reported.
Basse Terre, Guadeloupe	A. Lacour	do .....	.....	No fees reported.
Batavia, Java	L. W. Tappan, jr	Consul	250 00	
Bathurst, Africa	H. Rider	Commercial agent .....	.....	No fees reported.
Bay of Islands	G. H. Leavenworth	do	42 97	
Bayonne, France	S. R. Campbell	Consul .....	.....	No fees reported.
Beaumaris, Wales	T. R. Dew	do .....	.....	No fees reported.
Bedeque, Prince Edward's Island	J. C. Pope	Consular agent .....	.....	No fees reported.
Beirut, Syria	J. A. Johnson	Consul	1, 047 50	
Belem, Portugal	T. M. Besoney	Consular agent .....	.....	No fees reported.
Belfast, Ireland	J. Young	Consul	9, 496 70	No fees reported 1st quarter.
Belize, Honduras	A. N. Miller	Vice-commercial agent	329 60	No fees reported.
Belleville, Canada .....	.....	Consular agent .....	.....	No fees reported.
Bergen, Norway	O. E. Dreutzer	Consul	46 00	
Berlin, Prussia	E. Von der Heydt	do .....	.....	No fees reported.
Bermuda, West Indies	C. M. Allen	do	899 35	
Bilbao, Spain	D. Evans	do	22 56	
Birmingham, England	Elihu Burritt	Consular agent	3, 338 50	No fees reported 2d and 4th quarters.
Bissao, Africa .....	.....	Consul .....	.....	No fees reported.
Black River, Jamaica	J. W. Leyden	Consular agent .....	.....	No fees reported.
Bogota, U. S. of Colombia .....	.....	Consul .....	.....	No fees reported.
Bombay, Bengal .....	.....	do .....	.....	No fees reported.
Bonaire, West Indies	W. E. Baye	Consular agent	55 22	No fees reported 2d quarter.
Bordeaux, France	C. Davisson	Consul	5, 896 05	

LIST OF CONSULAR OFFICES, ETC.

5

Bornholm, Denmark	T. H. Ronne	Consular agent	.....	No fees reported.
Boulogne, France	J. de la Montagnie	Consul	 233 00	
Bradford, England	E. D. Webster	Commercial agent	 15,403 09	
Brake, Oldenburg	B. Muller	Consular agent	.....	No fees reported.
Brava, Verde Islands	J. J. Nunes	do	.....	No fees reported.
Bremen, Germany	H. Boernstein	Consul	 3,168 50	
Bremerhaven, Germany	F. W. Specht	Consular agent	 2,069 99	
Brest, France	J. M. Kerros	do	 22 50	
Brindisi, Italy	J. S. Redfield	Consul	.....	No fees reported.
Brunn, Austria, (Moravia)	G. Schoeller	Consular agent	 485 00	
Bristol, England	Z. Eastman	Consul	 9,383 08	
Brunai, Borneo	C. L. Moses	do	.....	No fees reported.
Brunswick, Germany	W. W. Murphy	do	 92 00	
Brussels, Belgium	G. Sauer	do	.....	No fees reported.
Buenaventura, U. S. of Colombia	F. Hicks	Consular agent	.....	No fees reported.
Buenos Ayres, Argentine Republic	H. R. Helper	Consul	 4,438 54	
Brixham, England	E. Vittery	Consular agent	.....	No fees reported.
Cacilhas, Portugal	D. Affonço	do	.....	No fees reported.
Cadiz, Spain	R. F. Furrell	Consul	 420 50	
Cagliari, Sardinia	E. Pernis	Consular agent	 85 06	
Caipha, Syria	J. Nasrallah	do	.....	No fees reported.
Cairo, Egypt	G. C. Taylor	Consul	.....	No fees reported.
Calais, France	J. P. Vendroux	Consular agent	 29 51	
Calamar, U. S. of Colombia	J. D. Sanchez	do	.....	No fees reported.
Calcutta, Bengal	N. P. Jacobs	Consul general	 2,276 87	
Caldera, Chili	A. Seiwert	Consular agent	.....	No fees reported.
Callao, Peru	J. H. McColley	Consul	 4,138 36	
Caminha, Portugal	A. M. Rua	Consular agent	.....	No fees reported.
Campeachy, Mexico	.....	Consul	.....	No fees reported.
Canca, Island of Crete	W. J. Stillman	do	.....	No fees reported.
Canton, China	O. H. Perry	do	 621 03	
Cape Charles and Chateau Bay, Labrador	J. W. Dodge	Consular agent	.....	No fees reported.
Cape Haytien, Hayti	A. Folsom	Consul	 784 27	
Capetown, Cape of Good Hope	W. Graham	do	 510 30	
Cardenas, Cuba	N. Cross	Consular agent	 3,215 52	
Cardiff, Wales	C. E. Burch	Consul	 782 08	
Carlisle, England	T. Wright	Consular agent	.....	No fees reported.
Carlsruhe, Baden	B. O. Duncan	Consul	 1,995 75	
Carrara, Italy	F. Terry	do	 217 00	No fees reported 1st quarter.
Carthagera, Spain	C. Molina	do	.....	No fees reported.
Carthagera, U. S. of Colombia	A. S. Hanabergh	do	 408 23	

LIST OF CONSULAR OFFICES, ETC.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Cascumpec, Prince Edward's Island	.....	Consular agent	.....	No fees reported.
Catania, Sicily	A. Peratoner	do	\$11 72	No fees reported.
Cayenne, Guiana	.....	Consul	.....	No fees reported.
Ceara, Brazil	José S. de Vasconcellos	Consular agent	.....	No fees reported.
Cecimbra, Portugal	F. J. Lopez	do	.....	No fees reported.
Cette, France	L. S. Nahmens	do	750 86	.....
Ceylon, India	G. W. Prescott	Commercial agent	.....	No fees reported.
Chatham and New Castle, N. Brunswick	.....	Consular agent	.....	No fees reported.
Chee-Foo, China	E. T. Sandford	Consul	.....	No fees reported.
Chemnitz, Saxony	R. Busse	Consular agent	.....	No fees reported.
Cherbourg, France	E. Liais	do	.....	No fees reported.
Chicoutimi, Canada	.....	do	.....	No fees reported.
Chihuahua, Mexico	R. W. Creel	Consul	.....	No fees reported.
Chin-Kiang, China	J. L. Kiernan	do	720 49	No fees reported.
Chippewa, Canada West	.....	Consular agent	.....	No fees reported.
Chittagong, India	W. Farlie	do	.....	No fees reported.
Christiana, Norway	C. T. Kraby	Consul	.....	No fees reported.
Christiansand, Norway	O. E. Reinhardt	Consular agent	.....	No fees reported.
Cienfuegos, Cuba	German Barrio	do	55 26	No fees reported.
Ciudad Bolivar, Venezuela	J. Van Ingen	Consul	.....	No fees reported.
Civita Vecchia, Italy	G. Marsanick	Consular agent	.....	No fees reported.
Clifton, Canada	A. A. Porter	Consul	.....	No fees reported.
Coaticook, Canada	C. H. Powers	do	.....	No fees reported.
Cobija, Bolivia	Lewis Joel	do	.....	No fees reported.
Coburg, Canada	.....	Consular agent	.....	No fees reported.
Cognac, France	Wm. Coates	do	.....	No fees reported.
Cologne, Prussia	G. Holscher	do	1,232 00	No fees reported.
Comayagua and Tegucigalpa, Honduras	Wm. C. Burchard	Commercial agent	.....	No fees reported.
Concelho da Boncas, Portugal	A. F. A. Guimaraes	Consular agent	.....	No fees reported.
Constantinople, Turkey	J. H. Goodenow	Consul general	302 13	.....
Copenhagen, Denmark	L. A. Hecksher	Vice-consul	68 67	.....
Coquímbo, Chili	C. C. Greene	Consul	.....	No fees reported.
Corfu, Ionian Islands	T. Woodley	Consular agent	.....	No fees reported.
Cork, Ireland	E. G. Eastman	Consul	466 67	.....
Corunna, Spain	A. G. Fuertes	Consular agent	.....	No fees reported.

Cow Bay, Nova Scotia	C. Archibald	do	.....	No fees reported.
Cowes, England	T. Harling	do	.....	No fees reported.
Crefeld, Prussia	P. Von Winkelman	do	907 50	No fees reported 2d quarter.
Cronstadt, Russia	A. Wilkins	do	386 51	No fees reported 1st quarter.
Crookhaven, Ireland	.....	do	.....	No fees reported.
Curacoa, West Indies	James Faxon	Consul	1,324 04	
Cyprus, Turkey	L. P. de Cesnola	do	.....	No fees reported.
Damascus, Syria	M. Meshaka	Consular agent	.....	No fees reported.
Dantzic, Prussia	P. Collas	do	39 40	No fees reported 1st, 2d, and 3d qrs.
Dardanelles, Turkey	C. Calvert	do	.....	No fees reported.
Dartmouth, England	R. Kingston	do	2 00	No fees reported.
Demerara, British Guiana	P. Figelmese	Consul	1,119 87	No fees reported 1st, 2d, and 3d qrs.
Denia, Spain	J. Morand	do	.....	No fees reported.
Dieppe, France	.....	Consular agent	.....	No fees reported.
Digby, Nova Scotia	J. C. Wade	do	.....	No fees reported.
Dresden, Saxony	W. S. Campbell	Consul	7,407 00	
Drontheim, Norway	J. F. Finne	Consular agent	30 75	
Dublin, Ireland	W. B. West	Vice-consul	935 44	
Dundalk, Ireland	J. H. Carraher	Consular agent	.....	No fees reported.
Dundee, Scotland	J. Smith	Consul	4,558 64	
Dundee, Canada	J. McMillan	Consular agent	.....	No fees reported.
Dunedin, New Zealand	H. Driver	do	.....	No fees reported.
Dunkirk, France	F. B. Morell	do	78 48	
Dunville, Canada	.....	do	.....	No fees reported.
Dusseldorf, Prussia	H. W. Derby	do	.....	No fees reported.
East Harbor, Turk's Island	E. Jones	do	.....	No fees reported.
Elsinore, Denmark	G. P. Hansen	Consul	6 50	
Espinho, Portugal	J. J. d'Almeida	Consular agent	.....	No fees reported.
Falmouth, England	A. Fox	Consul	58 56	No fees reported 1st quarter.
Falmouth, Jamaica	R. Nunes	Consular agent	.....	No fees reported.
Fano, Denmark	J. K. Bork	do	.....	No fees reported.
Faro, Portugal	F. L. Javarez	do	.....	No fees reported.
Fayal, Azores	C. W. Dabney	Consul	.....	No fees reported.
Figueira, Portugal	C. Laidley	Consular agent	.....	No fees reported.
Fiume, Austria	L. Francovitch	do	.....	No fees reported.
Florence, Tuscany	T. B. Lawrence	Consul general	1,236 50	
Flores, Azores	F. J. M. Henriques	Consular agent	.....	No fees reported.
Fogo, Cape Verde Islands	J. C. Bubosa	do	.....	No fees reported.
Foo-Chow, China	A. Canfield	Consul	880 58	
Fort de France, Martinique	A. Nollet	Consular agent	.....	No fees reported.
Fort Erie, Canada	F. N. Blake	Consul	4,774 00	

LIST OF CONSULAR OFFICES, ETC.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Frankfort-on-the-Main, Germany	W. W. Murphy	Consul general	\$2, 259 75	No fees reported.
Frederickton, New Brunswick	S. Barker	Consular agent	.....	No fees reported.
Frederickshaven, Denmark	P. C. Kall	do	.....	No fees reported.
Frederickstadt, Santa Cruz	W. F. Moore	do	132 48	No fees reported.
Freemantle, Australia	T. Pope	do	.....	No fees reported.
Funchal, Madeira	Charles A. Leas	Consul	19 96	No fees reported.
Gaboon, Africa	Augustus Perrot	Commercial agent	19 98	No fees reported.
Galatz, Moldavia	A. Malmros	Consul	7 00	No fees reported.
Galipoli, Italy	C. Clausen	Consular agent	.....	No fees reported.
Galway, Ireland	W. B. West	Consul	302 40	No fees reported.
Gaspé Basin, Canada	T. Fitnam	do	38 39	No fees reported.
Geestemunde, Germany	.....	Consular agent	.....	No fees reported.
Gefle, Sweden	R. Rittig	do	.....	No fees reported.
Geneva, Switzerland	C. H. Upton	Consul	970 25	No fees reported.
Genoa, Sardinia	D. H. Wheeler	do	1, 031 86	No fees reported.
Georgetown, Prince Edward's Island	A. A. McDonald	Consular agent	.....	No fees reported.
Ghent, Belgium	M. J. Levison	Consul	75 00	No fees reported.
Gibara, Cuba	J. Leal, jr	Consular agent	.....	No fees reported.
Gibraltar, Spain	H. J. Sprague	Consul	467 37	No fees reported.
Girgenti, Sicily	L. Garnet	Consular agent	94 32	No fees reported.
Glasgow, Scotland	J. M. Bailey	Consul	7, 461 86	No fees reported.
Gloucester, England	E. L. Kendall	Consular agent	.....	No fees reported.
Gluckstadt, Denmark	J. S. Schenck	do	.....	No fees reported.
Goderich, Canada	J. Springstead	Consul	.....	No fees reported.
Gonaives, Hayti	A. Hitchenback	Consular agent	70 71	No fees reported.
Gottenburg, Sweden	W. W. Thomas, jr	Consul	437 03	No fees reported.
Graciosa, Azores	B. A. de C. S. Bettancourt	Consular agent	.....	No fees reported.
Grand Caymas, Jamaica	W. Eden	do	.....	No fees reported.
Guadeloupe, West Indies	H. Thionville	Consul	124 40	No fees reported.
Guanatanamo, Cuba	F. Badell	Consular agent	139 50	No fees reported.
Guatemala, (City)	H. Savage	Consul	.....	No fees reported.
Guayama, Porto Rico	C. H. Verges	Consular agent	487 92	No fees reported.
Guayanilla, Porto Rico	.....	do	.....	No fees reported.
Guayaquil, Ecuador	L. A. Prevost	Consul	212 58	No fees reported.
Guaymas, Mexico	E. Conner	do	461 68	No fees reported.
				No fees reported 1st and 2d qrs.

Guernsey, Great Britain	A. Carey	Consular agent	.....	No fees reported.
Guysborough, Nova Scotia	C. H. Franchville	do	.....	No fees reported.
Hakodadi, Japan	E. E. Rice	Consul	.....	No fees reported.
Halifax, Nova Scotia	M. M. Jackson	Vice-consul	3,925 61	
Hamburg Germany	J. H. Anderson	Consul	10,001 58	
Hamilton, Bermuda	J. T. Darrell	Consular agent	1,128 70	
Hamilton, Canada	.....	do	.....	No fees reported.
Hankow, China	.....	Consul	.....	No fees reported.
Hanover, Germany	W. Colvin Brown	do	269 75	
Harbor Island, Bahamas	W. H. Sears	Consular agent	.....	No fees reported.
Havana, Cuba	W. T. Minor	Consul general	22,745 31	
Havre, France	J. O. Putnam	Consul	4,333 20	
Helsingfors, Finland	R. Frenckell	Vice-consul	.....	No fees reported.
Hemmingsford, Canada	G. W. Burdick	Consular agent	.....	No fees reported.
Hesse Cassel, Germany	W. W. Murphy	Consul	696 50	
Hesse Darmstadt, Germany	W. W. Murphy	do	2,274 00	
Hesse Homburg, Germany	W. W. Murphy	do	111 50	
Hilo, Hawaiian Islands	J. Worth	Vice-consul	324 53	
Hobart Town, Tasmania	D. McPherson, jr	do	.....	No fees reported.
Honfleur, France	C. Wagner	Consular agent	.....	No fees reported.
Hong Kong, China	Isaac J. Allen	Consul	4,975 87	
Honolulu, Sandwich Islands	A. Caldwell	do	5,252 73	
Huddersfield, England	T. Stevenson	Consular agent	2,970 00	No fees reported 1st quarter.
Hull, England	H. J. Atkinson	do	485 79	
Huntingdon, Canada	.....	do	.....	No fees reported.
Iloilo, Philippine Islands	W. B. Loring	do	.....	No fees reported.
Inagua, Bahamas	D. Sargent	do	.....	No fees reported.
Isle de Ré, France	F. Baudin	do	.....	No fees reported.
Ivica, (Island)	William Wallis	do	13 37	
Jacmel, Hayti	Charles Moravia	Agent of commercial agent	79 88	No fees reported 3d and 4th qrs.
Jalapa, Mexico	J. L. Kennedy	Consular agent	.....	No fees reported.
Jeremie, Hayti	J. Vigoreux	Agent of commercial agent	.....	No fees reported.
Jersey Island	T. Renouf	Consular agent	41 25	No fees reported 1st, 2d, and 4th qrs.
Jerusalem, Syria	V. Beauboucher	Consul	.....	No fees reported.
Kanagawa, Japan	G. S. Fisher	do	1,103 25	
Kingston, Jamaica	Aaron Gregg	do	1,153 45	
Kingston, Canada	S. B. Hance	do	2,522 25	
Kingstown, Ireland	M. Murphy	Consular agent	.....	No fees reported.
Kin Kiang, China	.....	Consul	.....	No fees reported.
Konigsberg, Prussia	J. H. Brockman	Consular agent	37 00	No fees reported 1st, 2d, and 3d qrs.
Kurrache, Sinde	B. F. Farnham	do	.....	No fees reported.

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Lacolle, Canada	J. M. Mascarenhas	Consular agent	.....	No fees reported.
Lagos, Portugal	C. H. Loehr	do	.....	No fees reported.
Laguayra, Venezuela	J. M. Roura	Consul	\$679 12	
Laguna, Mexico	E. Perkins	do	.....	No fees reported.
Lahaina, Hawaiian Islands	J. C. Montjoy	do	276 52	
Lambayeque, Peru	F. F. Bunnell	Vice-consul	120 20	No fees reported 1st quarter.
Lanthala, Feejee Islands	J. F. Topham	Commercial agent	.....	No fees reported.
Lanzarote, Canary Islands	F. B. Elmer	Consular agent	.....	No fees reported.
La Paz, San José, and Cape St. Lucas, Mexico.	F. W. Manley	Consul	686 72	
Las Palmas, Canary Islands	M. Robineau	Consular agent	.....	No fees reported.
La Tremblade, France	Thomas P. Smith	do	.....	No fees reported.
La Rochelle, France	S. Vitali	Consul	375 37	
Latakia, Syria	J. W. Livingston	Consular agent	.....	No fees reported.
La Union, San Salvador	J. da C. T. Guinaraes	Consul	282 34	
Leca, Portugal	W. L. Raymond	Consular agent	.....	No fees reported.
Leeds, England	J. Hutchinson	Consul	2,494 25	
Leghorn, Tuscany	N. McLachlan	do	1,076 18	
Leith, Scotland	T. Y. Dickinson	do	2,524 62	
Leipsic, Saxony	J. Mastrovani	do	5,375 75	
Licata, Sicily	Arthur Genaert	Consular agent	98 86	
Liege, Belgium	M. R. Ryan	Vice-consul	392 50	
Limerick, Ireland	Charles E. Haviland	Consular agent	.....	No fees reported.
Limoges, France	F. E. Leaver	do	.....	No fees reported.
Lingan, Nova Scotia	C. A. Munroe	do	.....	No fees reported.
Lisbon, Portugal	Thomas H. Dudley	Consul	288 20	
Liverpool, England	R. Dunkin	do	26,794 00	
Liverpool, Nova Scotia	F. H. Morse	Consular agent	.....	No fees reported.
Llanelly, Wales	Alexander Henderson	do	.....	No fees reported.
London, England	J. W. Viollier	Consul	33,529 50	
Londonderry, Ireland	W. W. Murphy	do	224 00	
L'Orient, France	W. P. Jones	do	.....	No fees reported 1st quarter.
Lyons, France		Consular agent	.....	No fees reported.
Lubec, Germany		Consul	8,151 50	
Macao, China		do	74 88	No fees reported.

Maceio, Brazil.....	J. Borstelmann.....	Consular agent.....	.....	No fees reported.
Madras, Madras.....	T. F. A. Agnew.....	do.....	.....	No fees reported.
Maio, Cape Verde Islands.....	J. H. Evora.....	do.....	.....	No fees reported.
Malaga, Spain.....	A. M. Hancock.....	Consul.....	922 41	
Malta, (Island).....	W. Winthrop.....	do.....	431 72	
Manchester, England.....	H. W. Lord.....	do.....	23, 105 75	
Manilla, Philippine Isles.....	C. Griswold.....	do.....	597 00	
Mannheim, Baden.....	L. Stoll.....	Consular agent.....	.....	No fees reported.
Manzanillo, Mexico.....	M. R. Ecay.....	do.....	97 32	
Maracaibo, Venezuela.....	E. S. Penny.....	Vice-consul.....	108 50	
Maranham, Brazil.....	W. H. Evans.....	Consul.....	326 24	
Marsala, Sicily.....	R. L. Hervey.....	Consular agent.....	21 43	
Marseilles, France.....	G. G. Fleuret.....	Consul.....	3, 712 99	
Matamoras, Mexico.....	J. L. S. Ladd.....	Commercial agent.....	13, 680 55	
Matanzas, Cuba.....	H. C. Hall.....	Consul.....	5, 024 58	
Maulmain, India.....	W. Brooke.....	Consular agent.....	345 33	
Mayaguez, Porto Rico.....	J. C. Coxé.....	do.....	1, 227 22	No fees reported 2d quarter.
Mazatlan, Mexico.....	R. L. Robertson.....	Consul.....	3, 041 29	
Medellin, U. S. of Colombia.....	.....	Commercial agent.....	.....	No fees reported.
Media, Asia.....	J. Lombroso.....	Consular agent.....	.....	No fees reported.
Melbourne, Australia.....	W. Blanchard.....	Consul.....	2, 888 62	
Memel, Prussia.....	H. Fowler.....	Consular agent.....	.....	No fees reported.
Mentone, France.....	N. Viale.....	do.....	.....	No fees reported.
Merida and Sisal, Mexico.....	R. J. y Patullo.....	Consul.....	.....	No fees reported.
Messina, Sicily.....	F. W. Behn.....	Vice-consul.....	1, 027 63	
Mexico, Mexico.....	M. Otterbourg.....	Consul.....	.....	No fees reported.
Mier, Mexico.....	W. G. Jones.....	Consular agent.....	.....	No fees reported.
Milan, Italy.....	A. Migliavacco.....	do.....	.....	No fees reported.
Milford Haven, Wales.....	A. B. Harries.....	do.....	.....	No fees reported.
Manatitlan, Mexico.....	T. D. Edwards.....	Commercial agent.....	20 16	
Monganni, New Zealand.....	C. W. Drury.....	Consular agent.....	.....	No fees reported.
Monrovia, Africa.....	A. Hanson.....	Commiss'r and consul general.....	2 65	
Montego Bay, Jamaica.....	G. L. Phillips.....	Consular agent.....	.....	No fees reported.
Montevideo, Uruguay.....	H. Tuttle.....	Consul.....	1, 278 01	
Monterey, Mexico.....	.....	do.....	.....	No fees reported.
Montreal, Canada.....	J. F. Potter.....	Consul general.....	10, 953 51	
Morlaix, France.....	M. Alexander.....	Consular agent.....	.....	No fees reported.
Morpeth, Canada.....	.....	do.....	.....	No fees reported.
Moscow, Russia.....	R. Fitzgerald.....	Consul.....	8 00	
Mossel Bay, Cape Town, Africa.....	E. Eager.....	Consular agent.....	.....	No fees reported.
Mozambique, Africa.....	Caleb Cooke.....	Consul.....	.....	No fees reported.

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Munich, Bavaria.....	Henry Toomy.....	Consul.....	\$911 25	
Nagasaki, Japan.....	W. P. Mangum.....	do.....	1,978 28	
Naguabo, Porto Rico.....	W. Haddock.....	Consular agent.....	128 59	
Nantes, France.....	George M. Towle.....	Consul.....	366 94	
Naples, Italy.....	J. T. Howard.....	do.....	243 17	
Napoleon Vendee, France.....	.....	do.....	.....	No fees reported.
Nassau, Europe.....	W. W. Murphy.....	do.....	482 50	
Nassau, West Indies.....	T. Kirkpatrick.....	do.....	.....	No fees reported.
Newcastle-upon-Tyne, England.....	J. H. McChesney.....	do.....	774 74	
Newcastle, New South Wales.....	G. Mitchell.....	Consular agent.....	201 46	No fees reported 2d and 4th qrs.
New Chwang, China.....	.....	Consul.....	.....	No fees reported.
Newport, England.....	J. N. Knapp.....	Consular agent.....	.....	No fees reported.
Nice, France.....	A. O. Aldis.....	Consul.....	101 90	
Ningpo, China.....	A. L. Clarke.....	do.....	580 74	
Nottingham, England.....	F. G. Rawson.....	Consular agent.....	1,128 88	No fees reported 3d and 4th qrs.
Nuremberg, Bavaria.....	C. G. Wheeler.....	Consul.....	3,891 00	
Nuevitas, Cuba.....	R. Gibbs.....	Consular agent.....	590 28	No fees reported 3d and 4th qrs.
Odessa, Russia.....	T. C. Smith.....	Consul.....	180 96	
Oldenburg, Germany.....	H. W. Carstens.....	Vice-consul.....	38 00	
Omoa and Truxillo, Honduras.....	C. R. Foolin.....	Consul.....	110 25	
Oporto, Portugal.....	H. W. Diman.....	do.....	203 00	
Ostend, Belgium.....	A. Van Isiahem Duclos.....	Consular agent.....	5 00	No fees reported 4th quarter.
Ostia, Italy.....	A. Gentile.....	do.....	.....	No fees reported.
Otranto, Italy.....	.....	Consul.....	.....	No fees reported.
Ovar, Portugal.....	I. A. D'Almeida.....	Consular agent.....	.....	No fees reported.
Paco d'Arcos, Portugal.....	F. F. Godinho.....	do.....	.....	No fees reported.
Padang, Sumatra.....	S. Higginson, jr.....	Consul.....	.....	No fees reported.
Palermo, Sicily.....	L. Monti.....	do.....	.....	No fees reported.
Palma, Canary Islands.....	T. P. Larenauth.....	Consular agent.....	1,618 88	
Palma, Majorca.....	I. Fiol.....	do.....	.....	No fees reported.
Panama, U. S. of Colombia.....	W. B. Little.....	Consul.....	2,186 34	No fees reported.
Para, Brazil.....	S. G. Pond.....	do.....	1,209 17	
Paraiba, Brazil.....	H. Krausé.....	Consular agent.....	.....	No fees reported.
Paramaribo, Dutch Guiana.....	H. Sawyer.....	Consul.....	643 77	
Paris, France.....	John G. Nicolay.....	do.....	41,770 50	No fees reported.

Paso del Norte, Mexico.....	H. J. Cuniffe.....	do.....	32 00	No fees reported.
Pau, France.....	G. de M. Clay.....	Consular agent.....	.....	No fees reported 1st quarter.
Patras, Greece.....	P. Fachiri.....	do.....	13 25	
Payta, Peru.....	R. M. Columbus.....	Consul.....	41 92	
Penang, East Indies.....	G. Bain.....	Consular agent.....	81 03	No fees reported 4th quarter.
Pernambuco, Brazil.....	T. Adamson.....	Consul.....	962 04	
Peso de Regra, Portugal.....	.....	Consular agent.....	.....	No fees reported.
Pesth, Hungary.....	P. Giori.....	do.....	.....	No fees reported.
Pictou, Nova Scotia.....	B. H. Norton.....	Consul.....	809 50	
Piræus, Greece.....	H. M. Canfield.....	do.....	31 50	
Plymouth, England.....	T. W. Fox.....	do.....	.....	No fees reported.
Ponce, Porto Rico.....	J. C. Gallaher.....	do.....	933 54	
Porsgrund, Norway.....	Carl J. Kraby.....	Consular agent.....	149 75	
Portsmouth, England.....	J. Garrett.....	do.....	.....	No fees reported.
Port Alegre, Brazil.....	F. J. Monteiro.....	do.....	.....	No fees reported.
Port Baltic, Prussia.....	C. Kalk.....	do.....	.....	No fees reported.
Port Bruce, Canada.....	.....	do.....	.....	No fees reported.
Port Burwell, Canada.....	R. O. Lake.....	do.....	.....	No fees reported.
Port Colburne, Canada.....	.....	do.....	.....	No fees reported.
Port Dover, Canada.....	.....	do.....	.....	No fees reported.
Port Elizabeth, Cape Colony, Africa.....	I. L. Flanders.....	do.....	183 00	
Port Hope, Canada.....	I. Albro.....	do.....	.....	No fees reported.
Port Louis, Mauritius.....	W. R. G. Mellen.....	Consul.....	355 63	
Port Mahon, Minorca.....	H. B. Robinson.....	do.....	20 00	No fees reported 2d and 4th qrs.
Port Natal, Africa.....	G. C. Cato.....	Consular agent.....	.....	No fees reported.
Port au Prince, Hayti.....	H. B. Peck.....	Comm'r and consul general.....	963 35	No fees reported 4th quarter.
Port Orotava, Teneriffe.....	.....	Consul.....	.....	No fees reported.
Port Rowan, Canada.....	W. H. Stevenson.....	Consular agent.....	.....	No fees reported.
Port Sarnia, Canada.....	J. L. Near.....	Consul.....	2,811 19	
Port Stanley, Canada.....	J. Bostwick.....	Consular agent.....	442 03	
Port Stanley, Falkland Islands.....	W. H. Smiley.....	Commercial agent.....	.....	No fees reported.
Port St. Mary, Spain.....	E. Crusoe.....	Consular agent.....	.....	No fees reported.
Port of Sydney, Cape Breton.....	J. P. Ward.....	do.....	.....	No fees reported.
Porto Plata, Hayti.....	F. I. Waldmayer.....	Agent of commercial agent.....	.....	No fees reported.
Prague, Bohemia.....	I. Von Geitler.....	Consular agent.....	.....	No fees reported.
Prescott, Canada.....	James Weldon.....	Consul.....	1,635 50	
Prince Edward's Island.....	Joseph Covell.....	do.....	4,539 17	
Puerto Cabello, Venezuela.....	A. Lacombe.....	Vice-consul.....	686 08	No fees reported 1st quarter.
Pugwash, Nova Scotia.....	H. G. Pineo.....	Consular agent.....	884 82	No fees reported.
Punta Arenas, Nicaragua.....	B. S. Cotrell.....	Commercial agent.....	66 50	No fees reported 4th quarter.
Punta Arenas, Costa Rica.....	W. Dent.....	Consular agent.....	.....	No fees reported.

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Quebec, Canada.....	W. H. F. Gurley.....	Consul.....	\$754 00	No fees reported.
Queensland, Australia.....	J. E. Brown.....	Consular agent.....	.....	No fees reported.
Ragged Islands.....	.....	do.....	.....	No fees reported.
Ramleh, Syria.....	H. Nunkos.....	do.....	.....	No fees reported.
Rangoon, Burmah.....	G. Bullock.....	do.....	253 66	No fees reported 2d quarter.
Ravenna, Italy.....	G. A. Schwarzberg.....	Consul.....	.....	No fees reported.
Regoa, Portugal.....	F. da C. Guilherme.....	Consular agent.....	.....	No fees reported.
Revel, Russia.....	H. B. Stacy.....	Consul.....	.....	No fees reported.
Rheims, France.....	T. D. Belin.....	Consular agent.....	316 00	No fees reported 3d and 4th qrs.
Rhenish Bavaria.....	B. O. Duncan.....	Consul.....	.....	No fees reported.
Riga, Russia.....	A. Schwartz.....	do.....	.....	No fees reported.
Rinkjobing, Denmark.....	A. C. Hustedt.....	Consular agent.....	.....	No fees reported.
Rio de Janeiro, Brazil.....	J. Monroe.....	Consul.....	3,200 00	No fees reported.
Rio Grande, Brazil.....	A. Young, jr.....	do.....	769 77	No fees reported.
Rio Hacha, U. S. of Colombia.....	N. Danies.....	do.....	.....	No fees reported.
Rio Negro, Argentine Confederation.....	W. H. Smiley.....	do.....	.....	No fees reported.
Ritzebittel and Cuxhaven, Germany.....	G. Vonder Meden.....	Consular agent.....	.....	No fees reported.
Rochepoort, France.....	A. G. Brillouin.....	do.....	.....	No fees reported.
Rome, Italy.....	E. C. Cushman.....	Consul.....	416 45	No fees reported.
Rome, Denmark.....	T. H. Ronne.....	Consular agent.....	.....	No fees reported.
Rosaria, Argentine Confederation.....	B. Upton.....	Commercial agent.....	.....	No fees reported.
Rotterdam, Netherlands.....	G. E. Wiss.....	Consul.....	2,376 99	No fees reported.
Rouen, France.....	W. Lepreost.....	Consular agent.....	22 00	No fees reported.
Sabanilla, U. S. of Colombia.....	W. A. Chapman.....	Consul.....	387 08	No fees reported.
Sable d'Olonnes, Cuba.....	.....	Consular agent.....	.....	No fees reported.
Sagua la Grande, Cuba.....	J. H. Horner.....	do.....	2,024 28	No fees reported.
Sal, Cape Verde Islands.....	J. A. Martins.....	do.....	.....	No fees reported.
Salt Cay, Turk's Island.....	W. H. Harrott.....	do.....	218 85	No fees reported.
Saltillo, Mexico.....	J. Smith.....	Consul.....	.....	No fees reported.
San Blas, Mexico.....	.....	do.....	.....	No fees reported.
San José, Costa Rica.....	M. L. Hine.....	do.....	17 50	No fees reported.
San José de Norte, Brazil.....	C. M. V. Aranzo.....	Consular agent.....	.....	No fees reported 3d quarter.
San Juan de los Remedios.....	J. Stone.....	do.....	590 37	No fees reported.
San Juan del Norte, Nicaragua.....	B. S. Cotrell.....	Commercial agent.....	626 36	No fees reported.
San Juan del Sur, Nicaragua.....	H. W. Bostwick.....	Vice-consul.....	252 32	No fees reported.

San Juan, Porto Rico	J. J. Hyde	Consul	988 14	No fees reported.
San Luis Potosi, Mexico	J. A. Piernas	Vice-consul	.....	.....
Santa Cruz, Cuba	Charles Huger	Consular agent	66 14	.....
Santa Cruz, West Indies	E. H. Perkins	Consul	116 74	.....
Santa Martha, U. S. of Colombia	.....	do	.....	No fees reported.
Santander, Spain	Luis Gallo	Vice-consul	21 18	.....
Santiago, Cape Verde Islands	W. H. Morse	Consul	85 39	.....
Santiago de Cuba	E. F. Wallace	do	1, 123 03	.....
Santos, Brazil	C. F. de Vivaldi	do	38 00	.....
Savannah la Mar, Jamaica	J. H. Isaacs	Consular agent	.....	No fees reported.
Schwerin, Germany	.....	Consul	.....	No fees reported.
Scilly, (Island)	T. J. Bruxten	Consular agent	.....	No fees reported.
Scio, Turkey	E. J. Smithers	Consul	375 00	.....
Sedan, France	.....	Consular agent	.....	No fees reported.
Seville, Spain	J. Cunningham	Consul	160 00	.....
Setubal, Portugal	C. F. O'Neil	Consular agent	.....	No fees reported.
Seychelles, Indian Ocean	C. Dupery	do	.....	No fees reported.
Shanghai, China	G. F. Seward	Consul general	4, 627 48	.....
Sheffield, England	George J. Abbot	Consul	6, 593 30	.....
Shelburne, Nova Scotia	.....	Consular agent	.....	No fees reported.
Sidon, Syria	S. Abela	do	.....	No fees reported.
Sierra Leone, Africa	H. Rider	do	.....	No fees reported.
Simonstown, Africa	.....	do	.....	No fees reported.
Sines, Portugal	J. P. de M. Falcao	do	59 64	No fees reported 1st, 2d, and 4th qrs.
Singapore, India	I. Stone	Consul	.....	No fees reported.
Smyna, Turkey	A. J. Stevens	do	670 39	.....
Sonneberg, Germany	S. Hirschback	do	1, 092 83	.....
Sonsonate, Central America	J. Mathi	do	2, 123 00	.....
Sowis, Prince Edward's Island	J. Knight	Consular agent	205 12	No fees reported 2d quarter.
Southampton, England	J. Britton	do	205 12	No fees reported 2d quarter.
Spezia, Sardinia	W. T. Rice	Consul	172 00	.....
St. Andrew, New Brunswick	G. Houlton	do	4 00	No fees reported 1st, 2d, and 3d qrs.
St. Bartholomew, West Indies	R. B. Dinzey	Consular agent	646 23	.....
St. Catharine's, Canada	D. C. Haynes	Commercial agent	92 49	.....
St. Catharine's Island, Brazil	B. Lindsey	Consular agent	293 42	.....
St. Christopher, West Indies	E. S. Delisle	Consul	.....	No fees reported.
St. Domingo, (City)	Paul T. Jones	Commercial agent	161 54	No fees reported 4th quarter.
St. George, New Brunswick	A. Sprague	Consul	49 65	.....
St. Helena, (Island)	G. Gerard	Consular agent	276 12	.....
St. Helen's, England	J. Hammill	Consul	597 57	.....
St. John's, Canada East	G. T. Morehouse	Consular agent	.....	No fees reported.
		Consul	3, 384 55	.....

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
St. John's, New Foundland.....	C. O. Leach.....	Consul.....	\$678 20	
St. John, New Brunswick.....	J. Q. Howard.....	do.....	5,323 08	No fees reported.
St. Joao da Foz, Portugal.....	S. J. Vascencellos.....	Consular agent.....		No fees reported.
St. Malo, France.....		do.....		No fees reported.
St. Marc, Hayti.....	James M. Letts.....	Commercial agent.....		
St. Martin, West Indies.....	C. Rey.....	Consul.....	298 39	
St. Michael, Azores.....	T. Hickling.....	Consular agent.....		No fees reported.
St. Nazaire, France.....		do.....		No fees reported.
St. Paul de Loando, Africa.....	A. A. Silva.....	Commercial agent.....	40 91	No fees reported 1st and 4th qrs.
St. Pierre, Martinique.....	W. F. Given.....	Consul.....		No fees reported.
St. Pierre, Miquelon.....	J. P. Frecker.....	Commercial agent.....	535 39	
St. Petersburg, Russia.....	W. Clendenin.....	Consul.....	505 00	
St. Stephen's, New Brunswick.....	G. M. Porter.....	Consular agent.....	187 95	
St. Thomas, West Indies.....	J. C. Walker.....	Consul.....	920 16	
St. Thomé, Africa.....	F. D. Asis de Belard.....	Commercial agent.....		No fees reported.
St. Valery, France.....		Consular agent.....		No fees reported.
St. Vincent, Cape Verde Islands.....	J. A. Martins.....	do.....		No fees reported.
Stanstead, Canada.....		do.....		No fees reported.
Stavanger, Norway.....	T. Falk.....	do.....	28 75	
Stettin, Prussia.....	C. J. Sundell.....	Consul.....	319 83	
Stockholm, Sweden.....	A. W. Frestadins, jr.....	do.....	113 25	
Stuttgart, Wurtemberg.....	E. Klauprecht.....	do.....	1,941 05	
Sunderland, England.....	H. Brown.....	Consular agent.....	32 50	No fees reported 2d, 3d, and 4th qrs.
Sverabaya, Japan.....	Carl von Oven.....	do.....		No fees reported.
Swansea, Wales.....	H. Morice.....	do.....		No fees reported.
Swatow, China.....	J. C. A. Wingate.....	Consul.....	444 69	
Swinemünde, Prussia.....	A. Radman.....	Consular agent.....		No fees reported.
Sydney, New South Wales.....	R. D. Merrill.....	Consul.....		No fees reported.
Sydney, Cape Breton.....	T. D. Archibald.....	Consular agent.....		No fees reported.
Syra, Greece.....		do.....		No fees reported.
Syracuse, Sicily.....	N. Stelle.....	do.....		No fees reported.
Tobasco, Mexico.....		Commercial agent.....		No fees reported.
Tahiti, Society Islands.....	J. Vandom.....	Consul.....	418 29	
Talcabuan, Chili.....	J. H. Trumbull.....	do.....	698 52	
Tamatave, Madagascar.....	J. P. Finkelmeier.....	Commercial agent.....		No fees reported.

Tampico, Mexico	F. Chase	Consul general	868 57	No fees reported.
Tangier, Morocco	J. H. McMath	Consul		No fees reported.
Taranto, Italy		do		
Tarragona, Spain	A. Muller	Consular agent	102 53	
Tarsus, Asia Minor	A. Debbas	do		No fees reported.
Tehuantepec		Consul		No fees reported.
Teneriffe, Canary Islands	W. H. Dabney	do	27 31	No fees reported 1st, 2d, and 3d qrs.
Terceira, Azores	T. de Castro	Consular agent		No fees reported.
Tetuan, Africa	J. S. Levy	Commercial agent		No fees reported.
Thisted, Denmark	J. Nyeberg	Consular agent		No fees reported.
Tien-Tsin, China		Consul		No fees reported.
Toronto, Canada	D. Thurston	do	7,006 16	
Toulon, France	A. Schenking	Consular agent	2 00	No fees reported 2d, 3d, and 4th qrs.
Trapani, Sicily	O. Turbino	do	162 88	
Trebisond, Turkey in Asia		Consul		No fees reported.
Trieste, Austria	A. W. Thayer	do	790 69	
Trinidad de Cuba	F. F. Cavada	do	1,391 57	
Trinidad, (island)	N. L. Humphrey	do	545 06	
Tripoli, Africa	W. Porter	do		No fees reported.
Tripoli, Syria	A. Yanuni	Consular agent		No fees reported.
Truxillo, Honduras	E. Prudot	do		No fees reported.
Tumbez, Peru	H. R. Hawkins	Consul		No fees reported.
Tunis, Africa	A. Perry	do		No fees reported.
Tunstall, England	T. Llewellyn	Consular agent	5,770 00	
Turbo, U. S. of Colombia		Consul		No fees reported.
Turk's Island		do	653 74	
Tyre, Syria	J. E. Newport	Consular agent		No fees reported.
Valencia, Spain	Y. Akaad	Deputy consul	187 39	No fees reported 1st quarter.
Valparaiso, Chili	G. Brander	Consul	2,085 15	
Velez, Malaga, Spain	A. W. Clark	Consular agent		No fees reported.
Venice, Italy	J. R. Geary	Vice-consul	291 00	
Vera Cruz, Mexico	L. G. Meade, jr.	Consul	1,418 23	
Verviers, Belgium	M. D. L. Lane	do		No fees reported.
Viana, Portugal	J. L. Affonco	Consular agent		No fees reported.
Victoria, Vancouver's Island	A. Francis	Consul	3,127 21	
Viegnes, West Indies	Lane Garben	Consular agent	3 92	No fees reported 1st and 2d qrs.
Vienna, Austria	T. Canisius	Consul	2,368 00	
Vigo, Spain	M. Barcena	do		No fees reported.
Villa do Conde, Portugal	J. A. de Sousa	Consular agent		No fees reported.
Villa Nova, Portugal	M. de Guedes	do		No fees reported.
Villa Real de San Antonio, Portugal	M. G. Roldan	do		No fees reported.

Report of fees collected, accounted for, and reported by the consular officers of the United States, &c.—Continued.

Consular offices.	Consular officers.	Rank.	Fees, 1865.	Remarks.
Waterford, Ireland	R. P. Williams	Consular agent	.....	No fees reported.
West Caicos, Turk's Island	S. Winter	do	.....	No fees reported.
Weymouth, England	W. Roberts	do	.....	No fees reported.
Whampoa, China	H. N. Blanchard	do	.....	No fees reported.
Windsor, Nova Scotia	P. S. Burnham	do	.....	No fees reported.
Windsor, Canada	D. K. Hobart	Consul	\$13,429 68	No fees reported 2d and 4th qrs.
Worcester, England	T. Southall	Consular agent	172 50	No fees reported.
Wyborg, Finland	J. Sparrow	do	.....	No fees reported.
Wyck on Föhr, Denmark	L. Heyman	do	.....	No fees reported.
Yarmouth, Nova Scotia	L. S. Balkam	do	.....	No fees reported.
Zanzibar, (island)	E. D. Ropes	Consul	181 87	No fees reported.
Zacatecas, Mexico	J. C. Davis	do	.....	No fees reported.
Zante, Ionian Islands	A. S. York	do	11 00	No fees reported.
Zara, Cuba	D. B. Iznaga	Consular agent	.....	No fees reported.
Zurich, Switzerland	C. A. Page	Consul	5,025 50	No fees reported.

CIRCULAR No. 49.

Consular fees prescribed by the President of the United States, in accordance with the provisions of the act of Congress approved August 18, 1856, regulating the diplomatic and consular systems of the United States.

DEPARTMENT OF STATE,
Washington, March 26, 1864.

To the Consular Officers of the United States:

I transmit herewith, for your information and guidance, the revised rates or tariff of fees prescribed by the President, under the provisions of the sixteenth section of the act to regulate the diplomatic and consular systems of the United States, to be charged by all consular officers for the services "which shall be regarded as official services." The fees therefor "are to be collected in the coin of the United States, or at its representative value in exchange." The rates established by this tariff are intended to supersede those which were heretofore prescribed, and are to be carefully observed, in all cases, by consular officers.

At the expiration of each quarter, all fees collected by all *salaried* consular officers residing at seaports must be accounted for to the Secretary of the Treasury, pursuant to Forms Nos. 8, 33, 44, and 45; and by those residing at island places, agreeably to Forms Nos. 9 and 33, and the respective amounts held subject to his draft or "other directions." Similar reports must be made quarterly to this department by all *unsalaried* consular officers. To enable this department to comply with the provisions of the sixteenth section of the diplomatic and consular act, a report must be made, pursuant to Form No. 138, to this department by all consular officers.

Consuls are further instructed that the rates for consular services, in pursuance of the revised tariff, are to be charged from and after the thirtieth of June next.

WILLIAM H. SEWARD.

Approved:

A. LINCOLN.

MARCH 28, 1864.

CONSULAR FEES.

Acknowledgements.

1. Of the master to bottomry bond with certificate under seal	\$2 50
2. Of the master to a mortgage or mortgage bill of sale of vessel	2 00
3. Of the master to an order for payment of seamen's wages or voyages, at home, including making up the order, if required	2 50
4. Of the merchant to assignment of bottomry bond	2 00
5. Of the vendor to a bill of sale of vessel	2 00
6. Of one or more persons to a deed or instrument of writing	2 00
7. Of one or more persons to a power of attorney	2 00

Authenticating copies of papers.

8. Of advertisement for funds on bottomry	1 00
9. Of inventories and letters, or either, of masters	1 00
10. Of marine note or protest	2 00

11. Of extended protest.....	\$3 00
12. Of account of sales of vessel, cargo, provisions, and stores, or either	1 00
13. Of advertisement of sale of vessel or cargo, provisions or stores....	1 00
14. Of call, warrant, and report of survey on vessels, hatches, cargo, provisions, and stores, or either, (for example, see Form No. 50.)...	1 00

Authenticating signatures.

15. To average bonds.....	2 00
16. To estimate of repairs of vessel.....	2 00
17. To (auctioneer's) account of sales of vessel or cargo, provisions or stores.....	2 00
18. To reports of survey on vessel or cargo, provisions or stores.....	2 00
19. Of forms of application for arrears of pay and bounty of deceased or disabled soldiers.....	25
20. Of governors, judges, notaries public, custom-house and other officers	2 00
21. Of merchants and individuals.....	2 00
22. For any other consular authentication or service of like character not herein named or enumerated.....	2 00

Certificates.

23. To bill of health.....	2 50
24. Of indorsement of bottomry on ship's register.....	2 00
25. Of ditto on payment of bottomry on ship's register.....	2 00
26. Of ditto of new ownership on ship's register.....	2 00
27. Of cancelling ship's register.....	2 00
28. To currency	1 00
26. Debenture certificate, including oaths of master and mate.....	5 00
30. Of decision and award, in cases of protests against masters, passengers, or crew, (for example, see Form No. 49).....	5 00
31. Of the deposit of a ship's register and papers, when required by custom-house authorities.....	2 00
32. In cases of vessels deviating from the voyage.....	2 00
33. When ship's register is retained <i>entire</i> in the consulate....	2 00
34. Of indentify	2 00
35. To invoice, including declaration, in triplicate.....	2 50
36. To invoice of goods not exceeding \$100 in value, in British North American provinces.....	1 00
37. When the amount of the invoice exceeds \$100.....	2 50
38. Of place of growth or production of goods made duty free by the reciprocity treaty, exceeding in value the sum of \$200, to be charged by consular officers in British North American provinces	1 00
39. Same of goods not exceeding in value the sum of \$200.....	No fee.
40. Of place of birth of emigrants, and only when desired by them....	25
41. For marriage certificate under the provisions of the thirty-second section of the consular judicial act of June 22, 1860.....	1 00
42. Of appointment of new master, including oath of master.....	2 00
43. Given to a master at his own request, (for example, see Form No. 48,) if less than two-hundred words, under seal.....	2 00
44. For every additional hundred words.....	1 00
45. Of the ownership of a vessel.....	2 00
46. To a seaman, of his discharge.....	No fee.
47. For master to take home destitute American seamen.....	No fee.
48. Of conduct of crew on board, in cases of refusal of duty and in cases of imprisonment, &c.....	2 00

49. Of sea letter.....	\$3 00
50. Of roll or list of crew, when required by the captain or authorities of the port.....	2 00
51. To shipping articles.....	2 00

Declarations and oaths.

52. Declaration and oath of master to one or more desertions, including oaths, attached to crew list and shipping articles, each.....	50
53. To one or more deaths or losses of seamen overboard at sea, including oaths, attached to crew list and shipping articles, each.....	50
54. To not being able to procure two-thirds of a crew of American seamen.....	50
55. To ship's inventories or stores.....	50
56. To the correctness of log-book.....	50
57. To ship's bills and vouchers for disbursements and repairs.....	50

Estates of deceased American citizens.

58. For taking into possession the personal estate of any citizen who shall die within the limits of a consulate, inventorying, selling, and finally settling and preparing or transmitting, according to law, the balance due thereon, five per cent. on the gross amount of such estate. If part of such estate shall be delivered over before final settlement, two and one-half per cent. to be charged on the part so delivered over as is not in money, and five per cent. on the gross amount of the residue. If among the effects of the deceased are found certificates of foreign stocks, loans, or other property, two and one-half per cent. on the amount thereof. No charge will be made for placing the official seal upon the personal property or effects of such deceased citizen, or for breaking or removing the seals, when required by the person or persons referred to in section 29 of the act of August 18, 1856.

Filing documents in consulate.

59. Consul's certificate to advertisement for funds on bottomry.....	\$0 25
60. Inventories of vessels, cargo, provisions, and stores, or either.....	25
61. Estimate of repairs of vessel.....	25
62. To advertisement of sale of vessel, cargo, provisions, and stores, or either.....	25
63. Letter of master notifying consul of sale of vessel, cargo, provisions, and stores, or either.....	25
64. Of master notifying auctioneer of sale of vessel, cargo, provisions, and stores, or either.....	25
65. Accounts of sale of vessel, cargo, provisions, and stores, or either...	25
66. Calls of survey on vessel, hatches, cargoes, provisions, and stores, or either.....	25
67. Warrants of survey on vessels, hatches, cargoes, provisions, and stores, or either.....	25
68. Reports of survey on vessels, hatches, cargoes, provisions, and stores or either.....	25
69. For filing any other document prepared in or out of the consulate..	25

Consuls' orders and letters.

70. To send seamen to hospital.....	No fee
71. To send seamen to prison.....	2 00
72. To release seamen from prison.....	2 00

73. To authorities or captain of the port, in cases of sinking vessels, (for example, see Form No. 51)	\$2 00
74. Requesting the arrest of seamen	2 00
75. For any other letter or order of like character	2 00

Licenses.

76. For the issue of a license to a vessel clearing from a foreign port and destined to a port of the United States opened by the proclamation of the President	5 00
---	------

Passports.

77. For a passport, including seal	5 00
78. For visaing a passport	1 00

Protests, &c.

79. For noting marine protest	2 00
80. For extending marine protest	3 00
81. And if it exceed two hundred words, for every additional one hundred words	1 00
82. For issuing warrant of survey on vessels, hatches, cargo, provisions, and stores, or either	2 00
83. Notifying surveyors of their appointment, for each	1 00
Notifying agents of insurance companies interested, each	1 00

Preparing documents.

84. For preparing agreement of master to give increased wages to seamen, attested under seal	2 00
85. For preparing any other official document or instrument of writing, not herein named or enumerated, if under one hundred words	2 00
86. If exceeding one hundred words, for every additional hundred words	1 00

Recording documents.

87. Appointment of new master	50
88. Application of a citizen of the United States for a sea letter	50
89. Average bonds, when required, for every one hundred words	50
90. Bill of sale, when required, for every one hundred words	50
91. Certificate given to master at his own request, when required	50
92. Consul's letter to captain of port, or authorities, in cases of sinking vessels	50
93. Order and consul's certificate to pay seamen's wages or voyages at home	50
94. Powers of attorney, when required, for every one hundred words	50
95. Protests of masters and others, other than marine protests, for every one hundred words	50
86. Sea letter, for every one hundred words	50
97. Calls of survey on vessel, hatches, cargo, provisions, and stores, or either; warrants and reports of ditto, ditto; estimates of repairs; certificates of consuls to advertisements for funds on bottomry, and of sale of vessel; inventories of vessel, cargo, provisions, and stores; letter of master to consul notifying sale of vessel, cargo, provisions, and stores, or either; letter of master to auctioneer, and account of sales of vessel, cargo, provisions, and stores, or either, for every one hundred words of any document required to be recorded, except consul's certificate to masters taking home American seamen	50

98. Any other document or instrument of writing not herein named or enumerated prepared in or out of the consulate, and required to be recorded, for every one hundred words..... \$0 50

Receiving and delivering ship's papers.

99. For receiving and delivering ship's register and papers, including consular certificates as prescribed in Forms Nos. 38 and 39, one cent on every ton registered measurement of the vessel for which the service is performed, if under one thousand tons..... 01
100. And for every additional ton over one thousand, one-half of one cent $\frac{1}{2}$

Shipping or discharging seamen.

101. For every seaman who may be discharged or shipped, including the certificates therefor attached to crew list and shipping articles, to be paid by the master of the vessel..... 50

Miscellaneous services.

102. For administering oaths, not hereinbefore provided for, each..... 50
103. For attending an appraisement of goods or effects daily..... 5 00
104. For attending valuation of goods, for every day's attendance during which the valuation continues..... 5 00
105. For attending sale of goods, for every day's attendance during which the sale continues..... 5 00
106. For attending sale of vessel, when required..... 5 00
107. For attendance at a shipwreck, or for the purpose of assisting a ship in distress, or of saving wrecked goods or property, over and above travelling expenses, a per diem of five dollars, whenever the consul's interposition is required by the parties interested.... 5 00
108. For consul's seal and signature to clearance from custom-house authorities..... 2 00
109. For consul's seal and signature to any document not mentioned in or otherwise provided for by the foregoing tariff..... 2 00

Circular of June 16, 1866, to consular officers of the Canadian provinces, authorizes the following fees under act of June 27, 1864:

110. For manifest with consular seal attached..... 25
111. For sealing each car, vessel, bale, barrel, box, or package of whatever kind or description..... 25

Under the provisions of the sixteenth section of the diplomatic and consular act, the President has prescribed that all acts are to "be regarded as official services" when the consul uses his seal and title officially, or either of them; and the fees received therefor by salaried consuls are to be accounted for to the treasury of the United States.

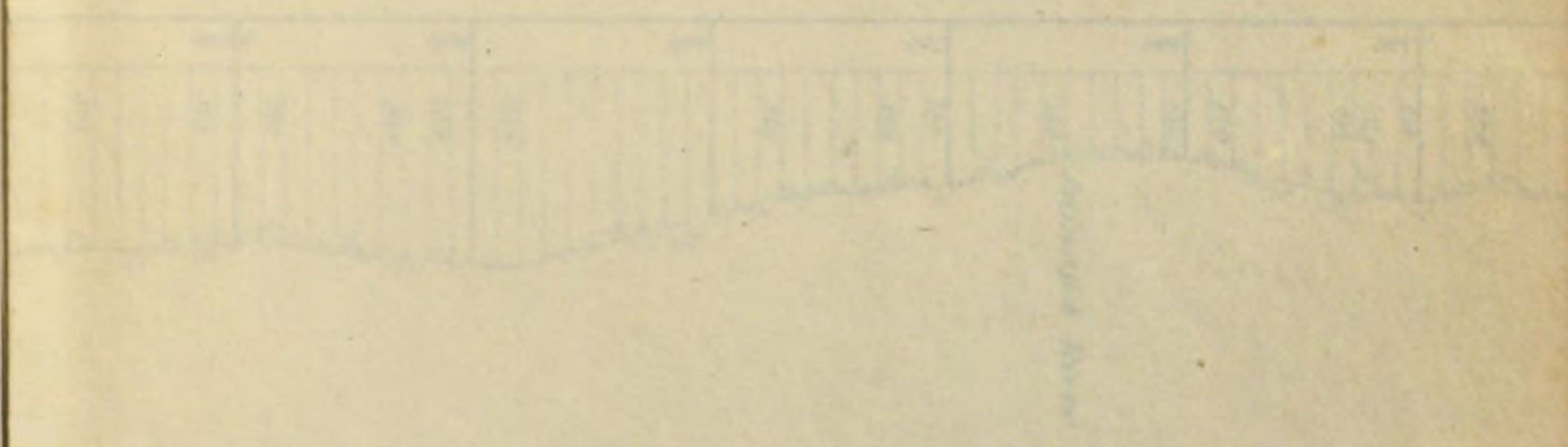
Where a fee is fixed in the foregoing tariff for any particular act or transaction, no additional fee is to be demanded for signature, attestation, or annexing seal of office.

All consular fees are to be collected, as prescribed by law, "in the coin of the United States, or at its representative value in exchange."

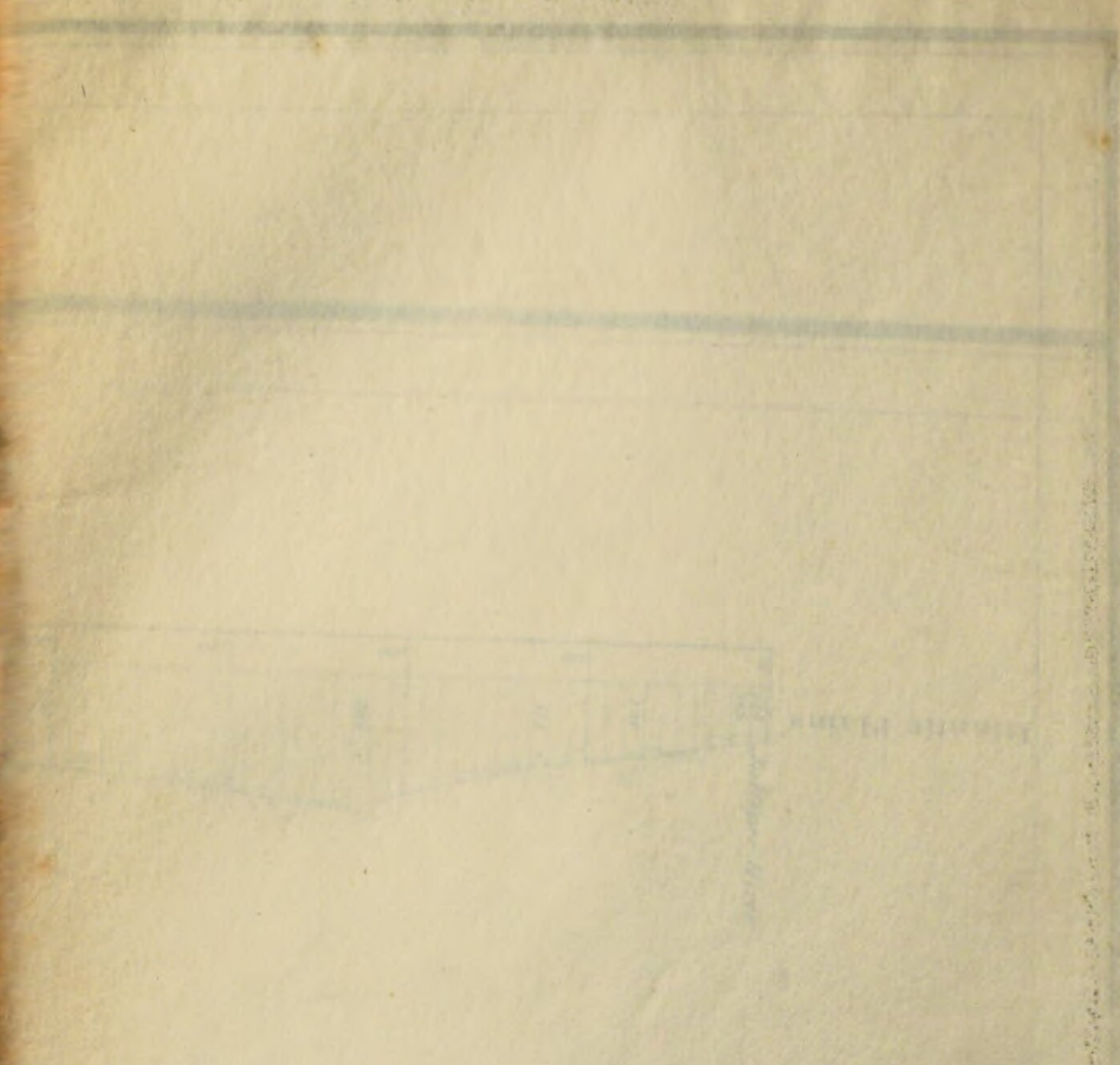
By order of the President:

WILLIAM H. SEWARD,
Secretary of State.

In original



THE
Scale 12,500 ft. to one inch.
TO
AND
THE PLAINS (GATTEPPE RIVER)
BETWEEN
THE LINE



PROFILE OF THE
 FROM
 MEXICAN TO LA
 Bottom line high water

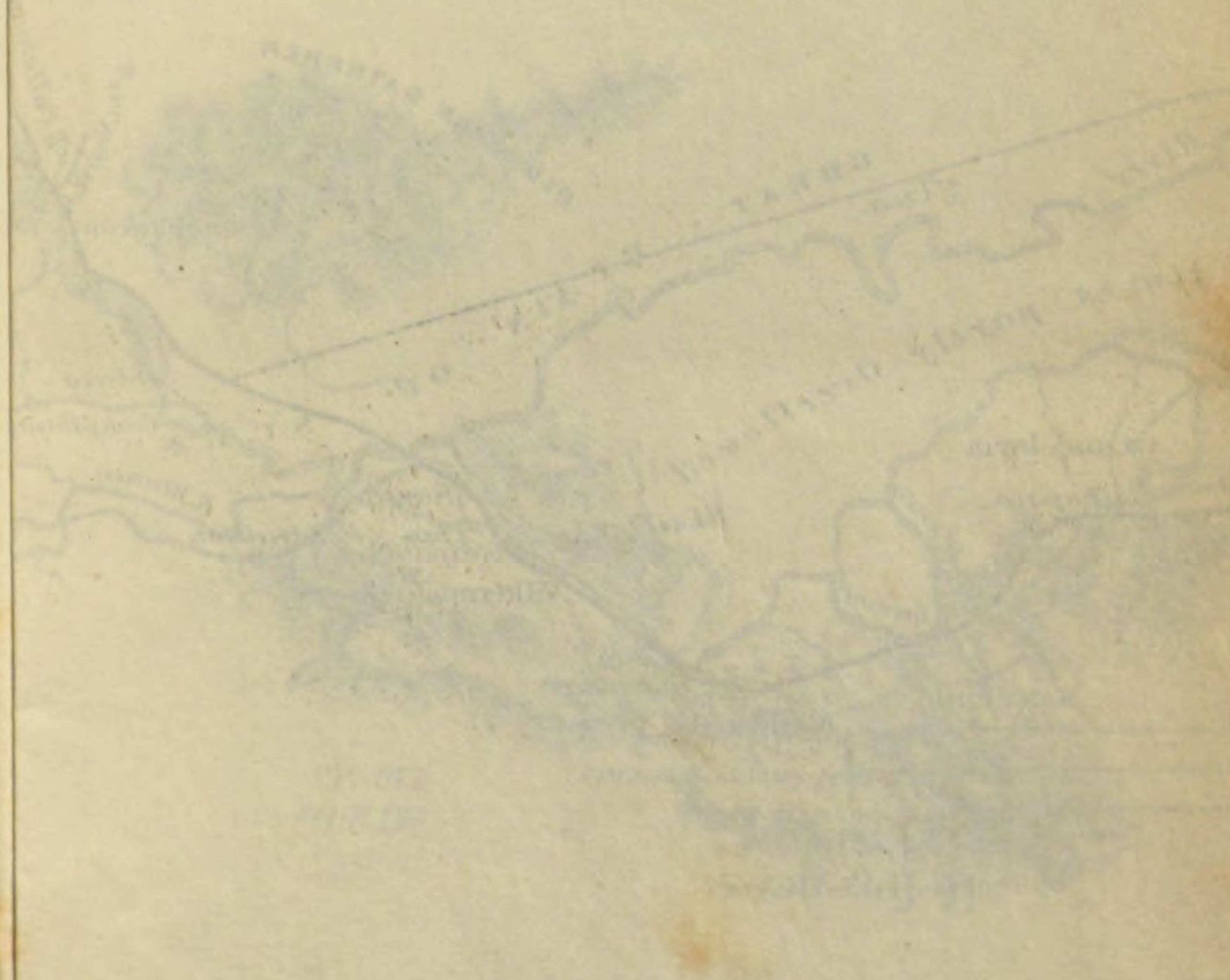
MEXICAN GULF OF MEXICO

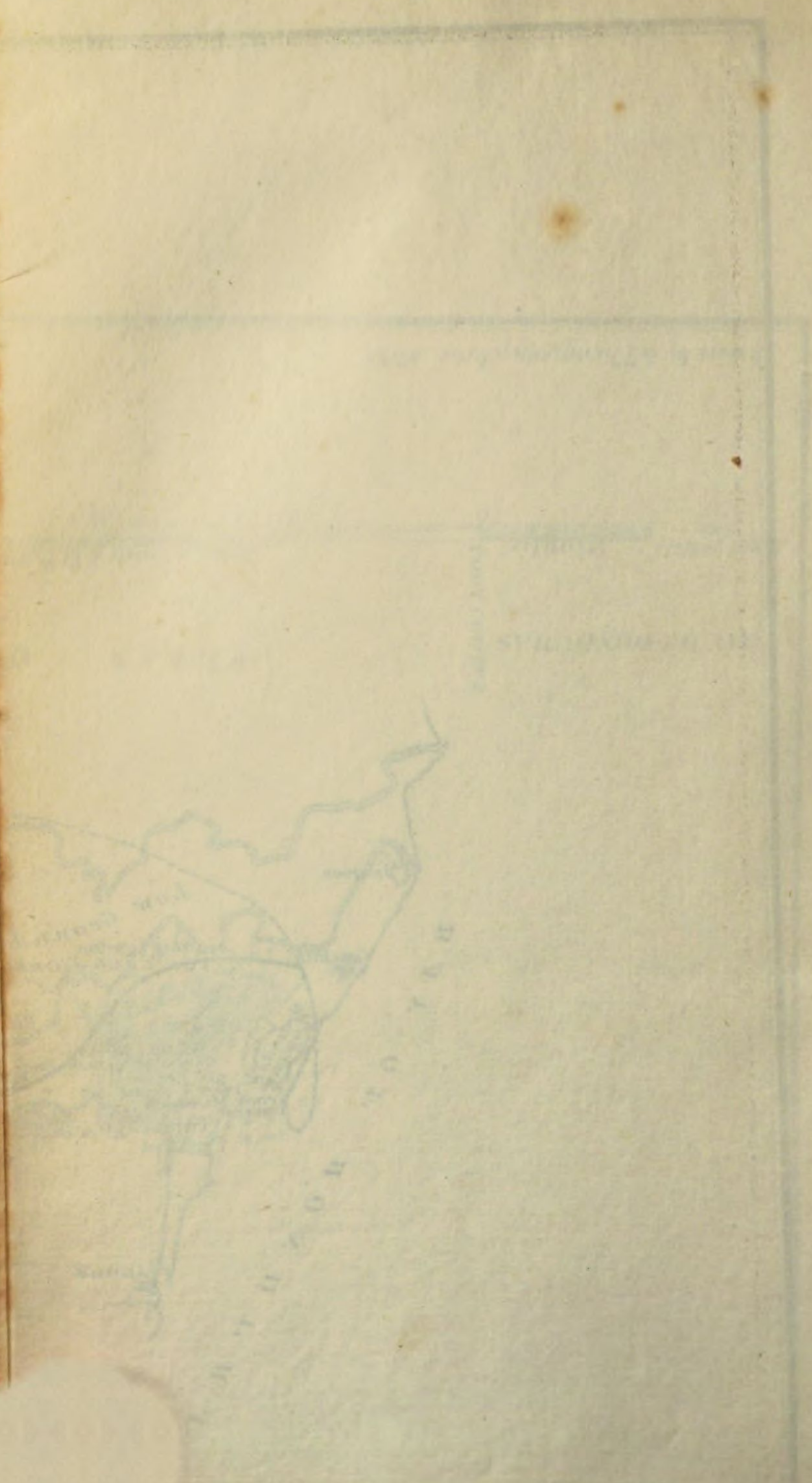
THE GREAT RIVER OF THE NORTH

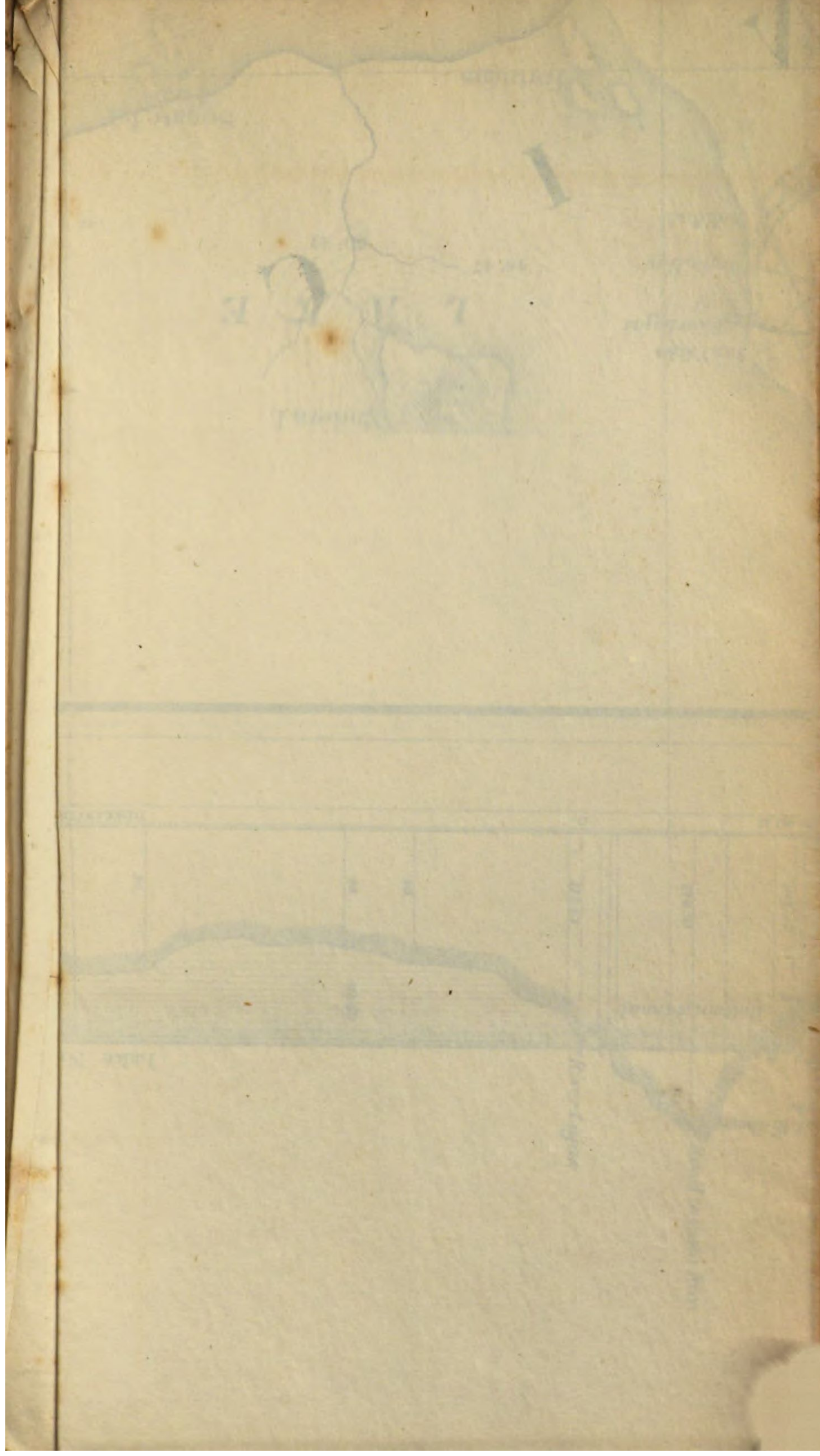
THE GREAT RIVER OF THE NORTH

THE GREAT RIVER OF THE NORTH

THE GREAT RIVER OF THE NORTH



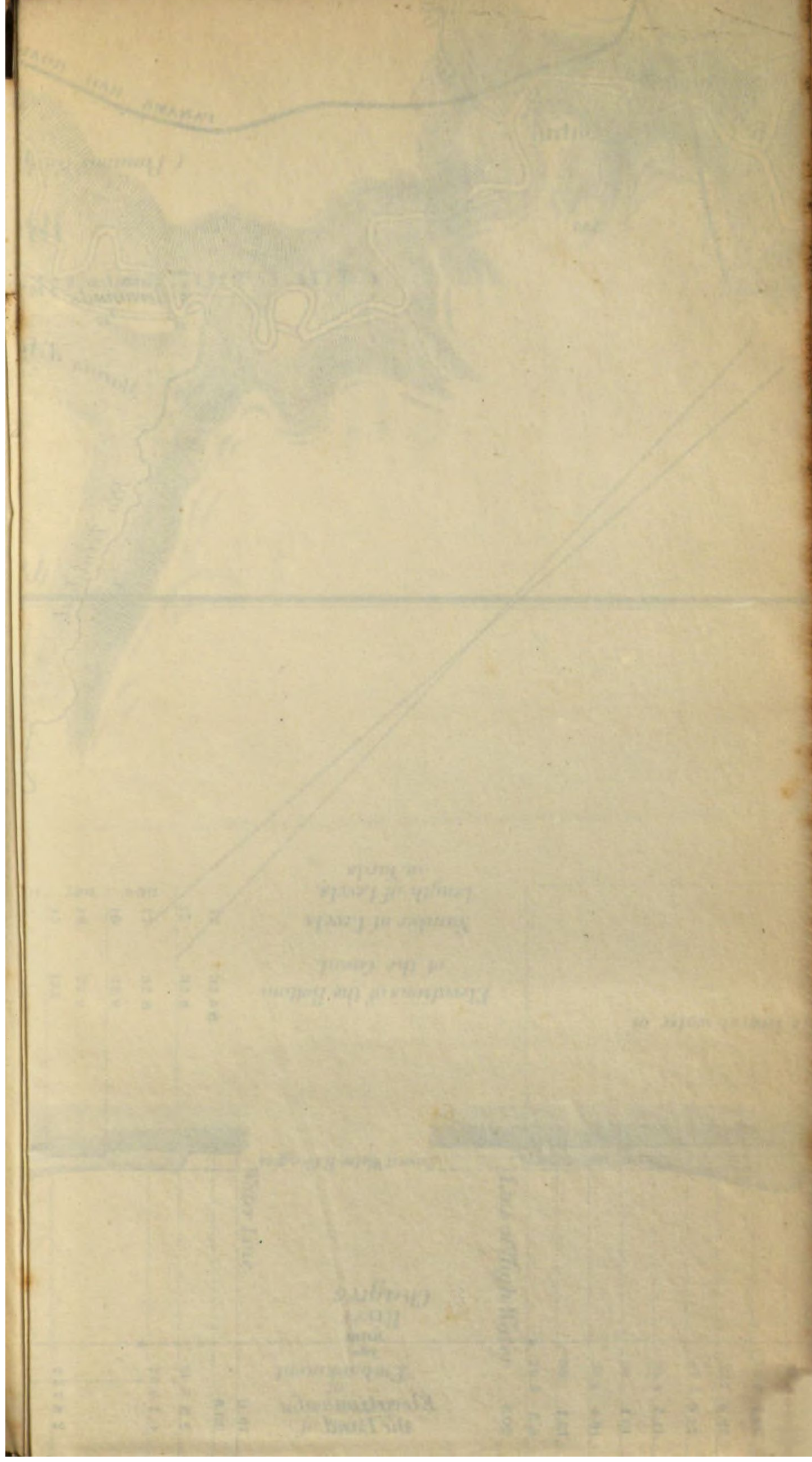




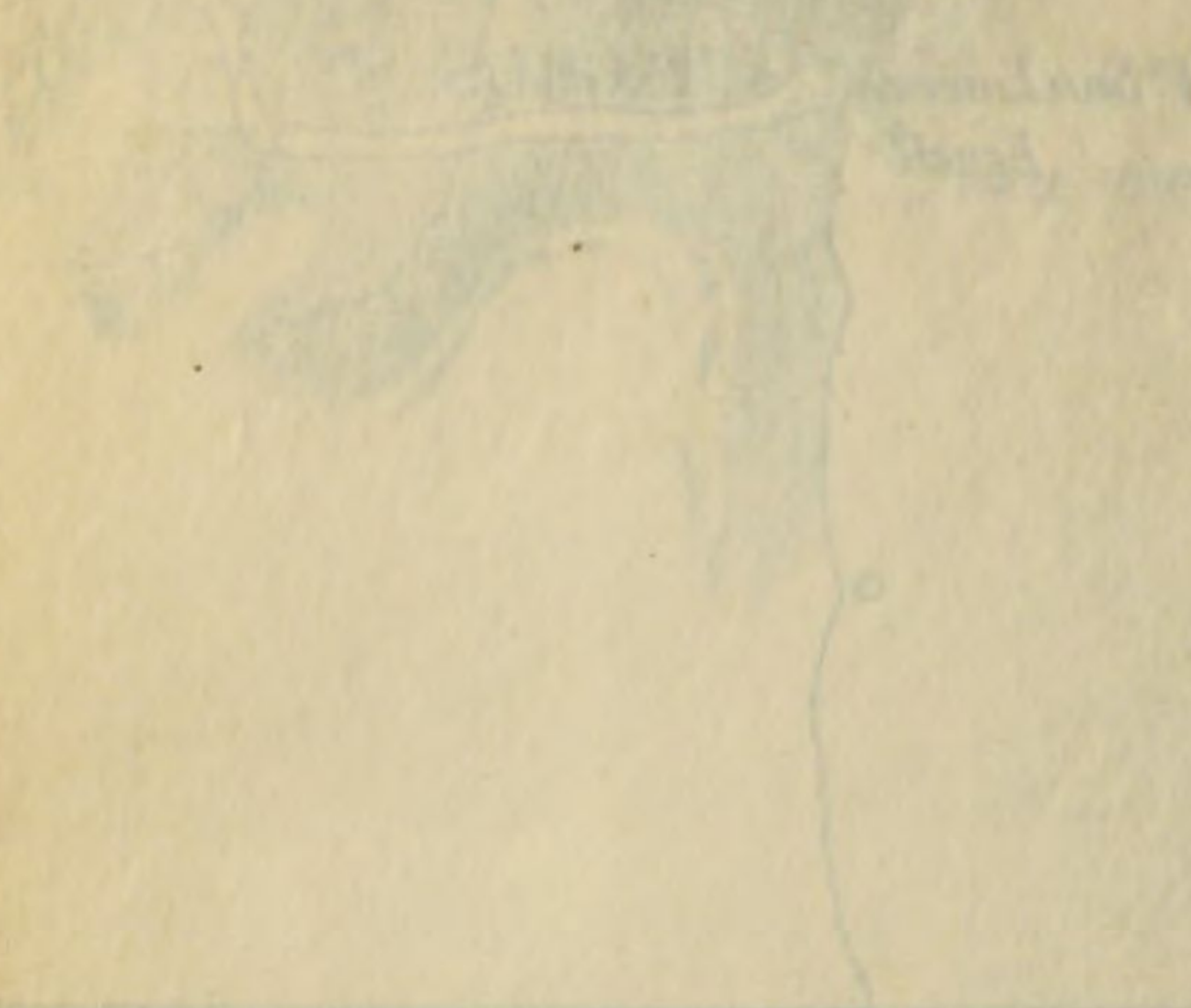
11
12
13
14
15

16
17
18
19
20

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100



1. 1. 1. 1. 1.

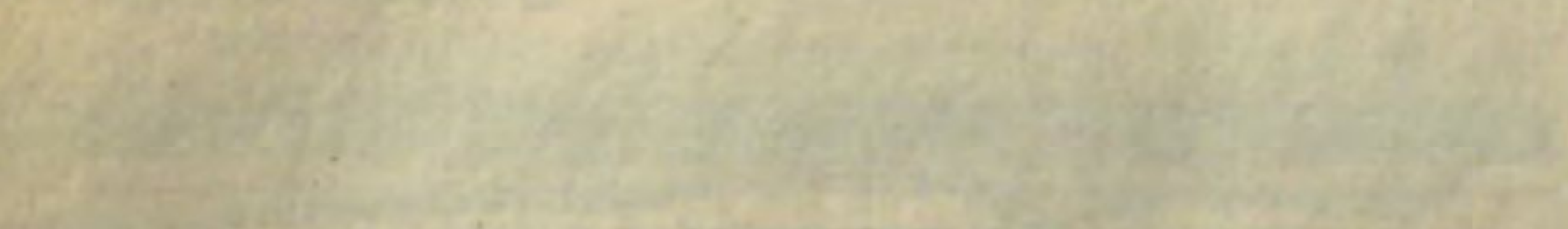


Map of the River of the South

the River

The bottom of the River

the River



the River

the River

Handwritten notes in the top left corner, possibly indicating a date or location.

Handwritten notes in the top center, possibly indicating a date or location.

Handwritten notes in the top right corner, possibly indicating a date or location.

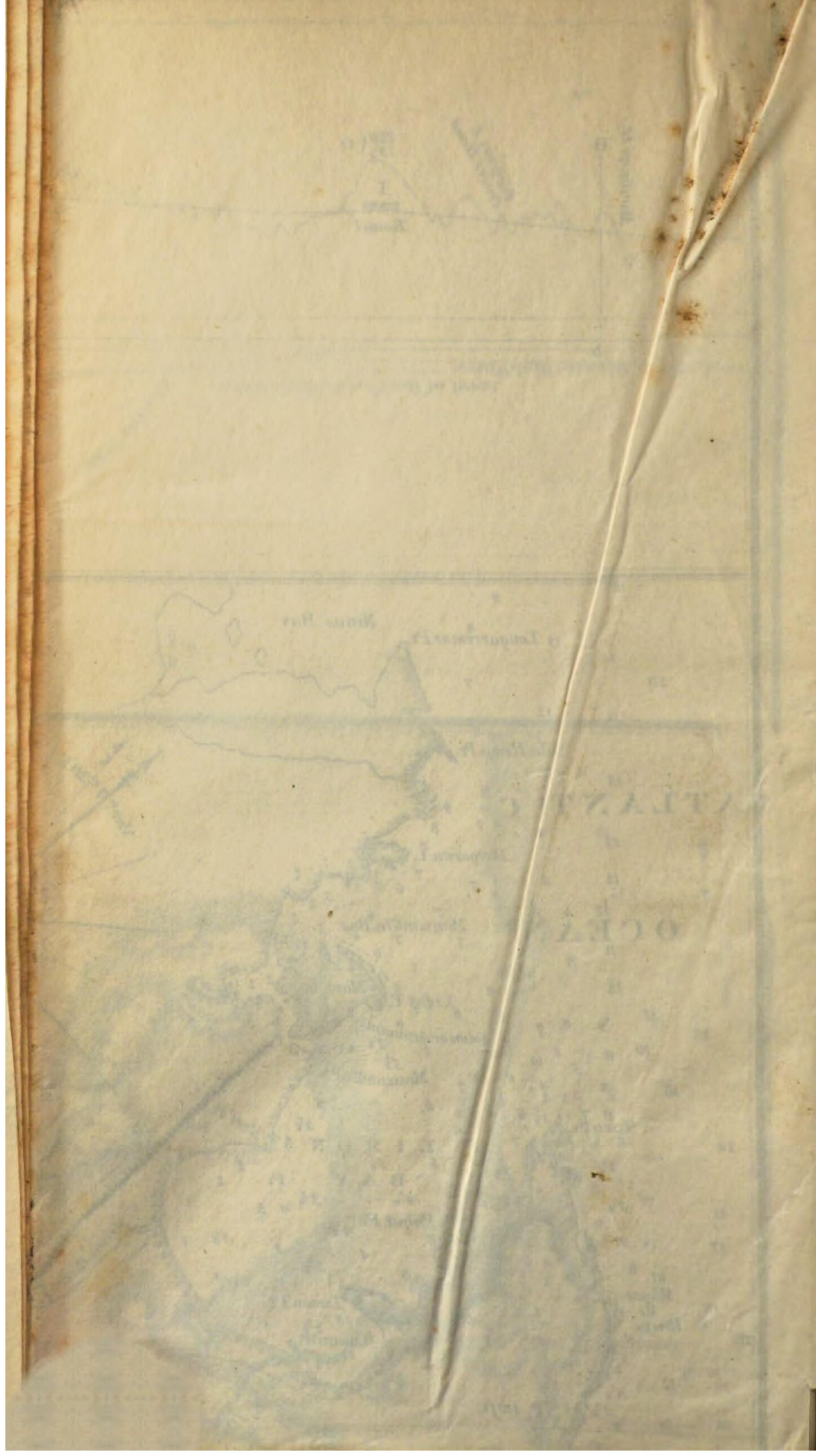
Handwritten notes in the middle left, possibly indicating a date or location.

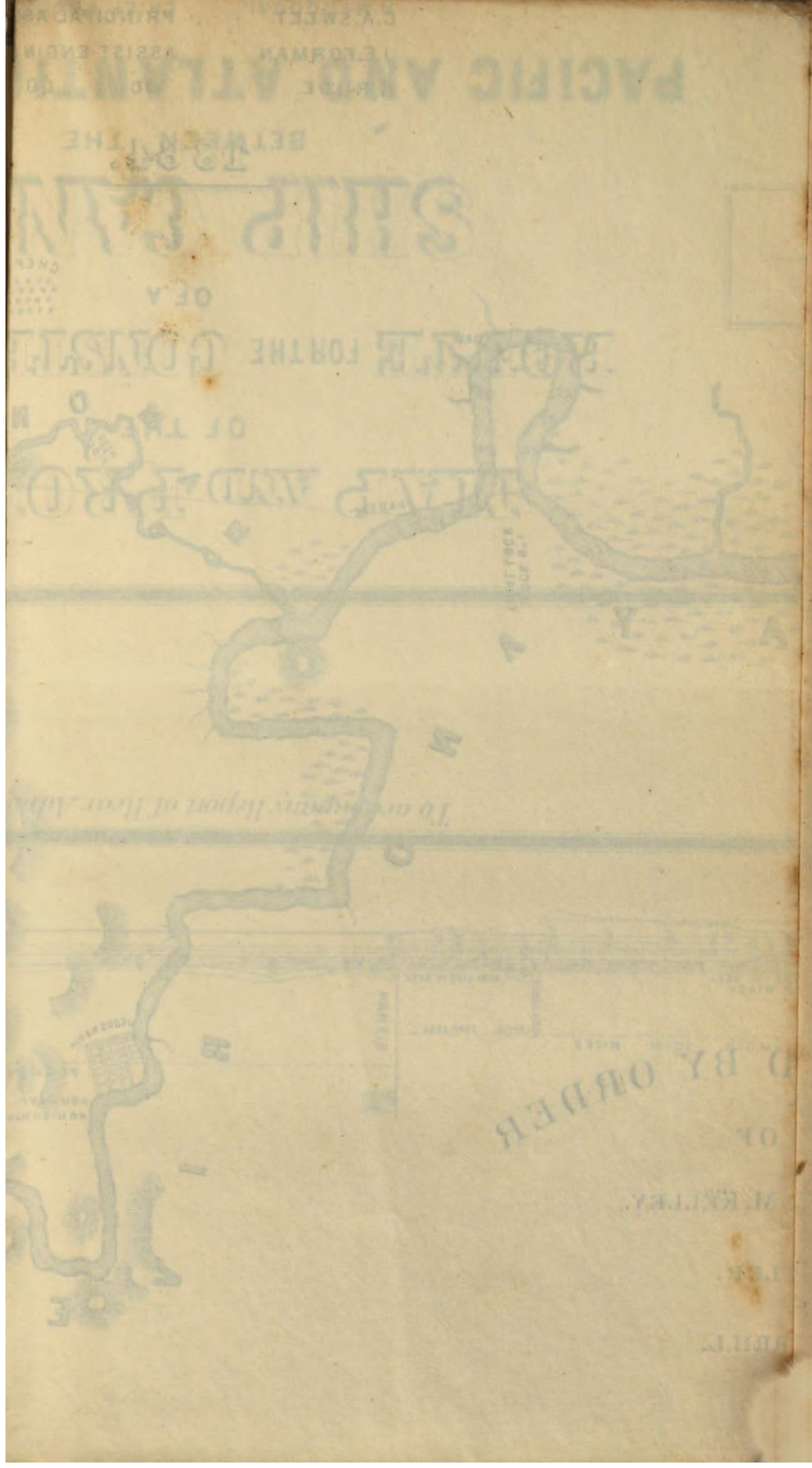
To accompany Report of Hon. Adams

In Table

1







PACIFIC AND ATLANTIC
TO THE GULF
BETWEEN THE

STILL CAN

OF A
FOR THE GULF

OF THE

AND

TO THE GULF

TO THE GULF

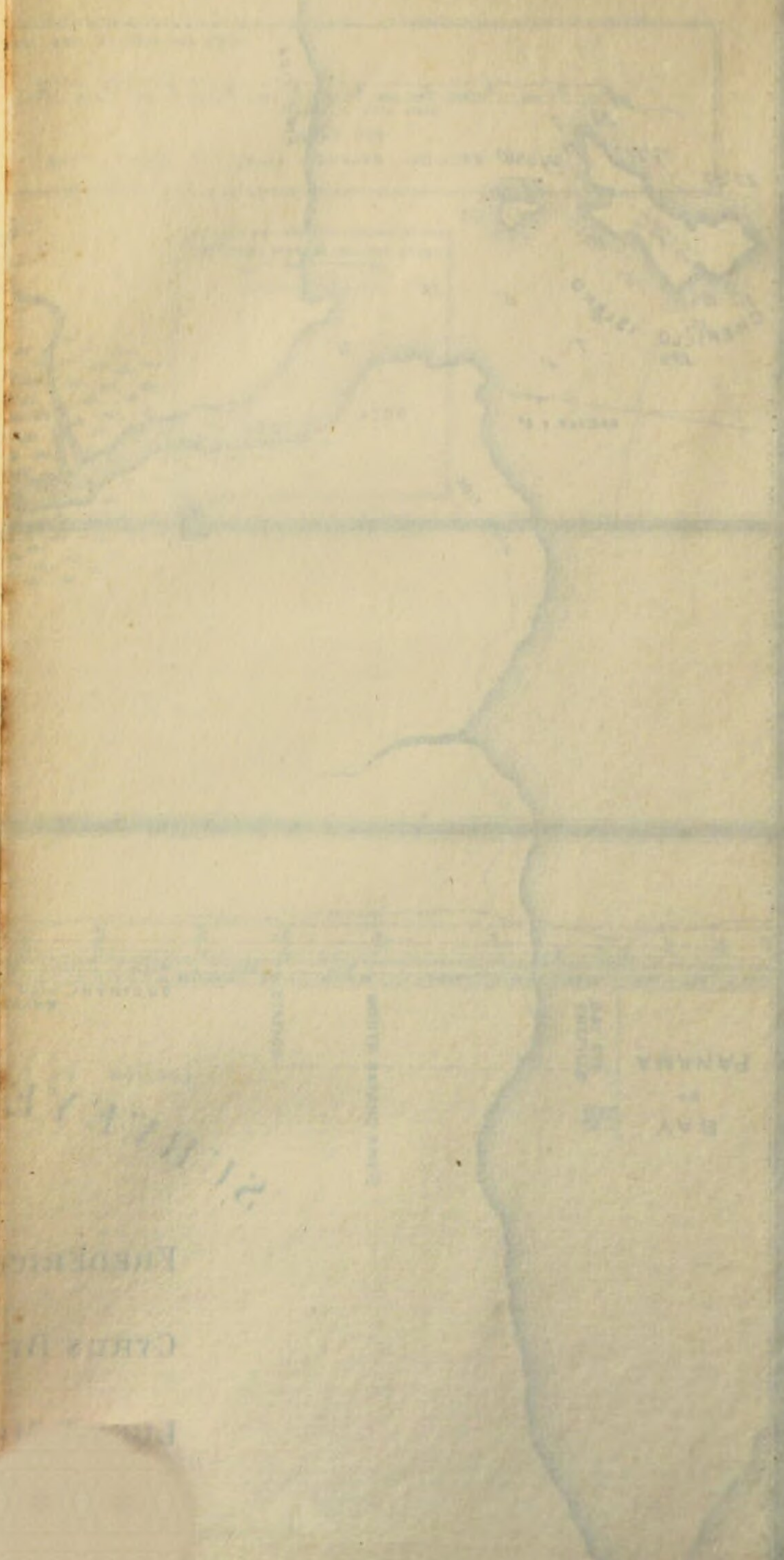
TO THE GULF

TO THE GULF

TO THE GULF

TO THE GULF

PANAMA



PANAMA

1791

1791

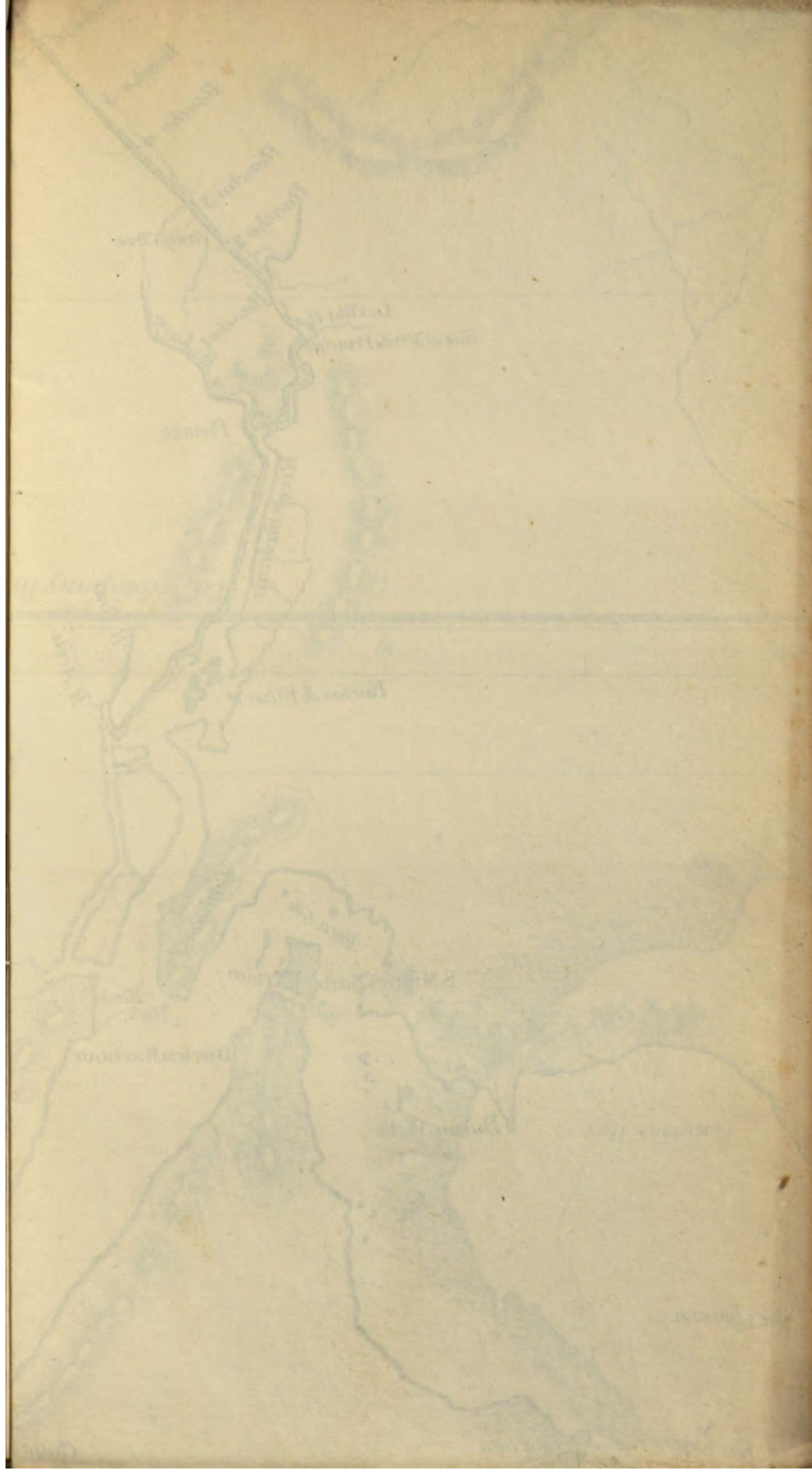
BAY

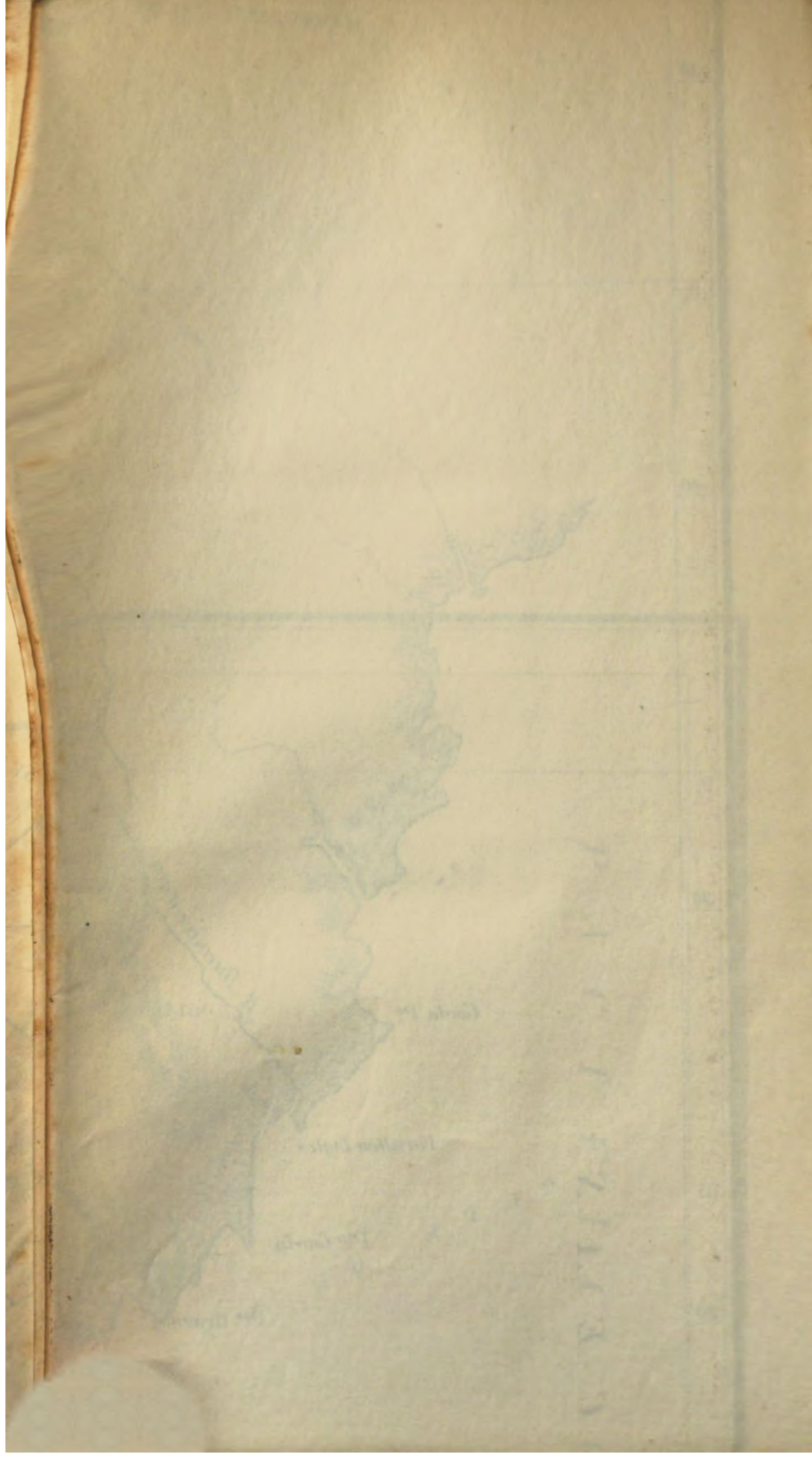
1791

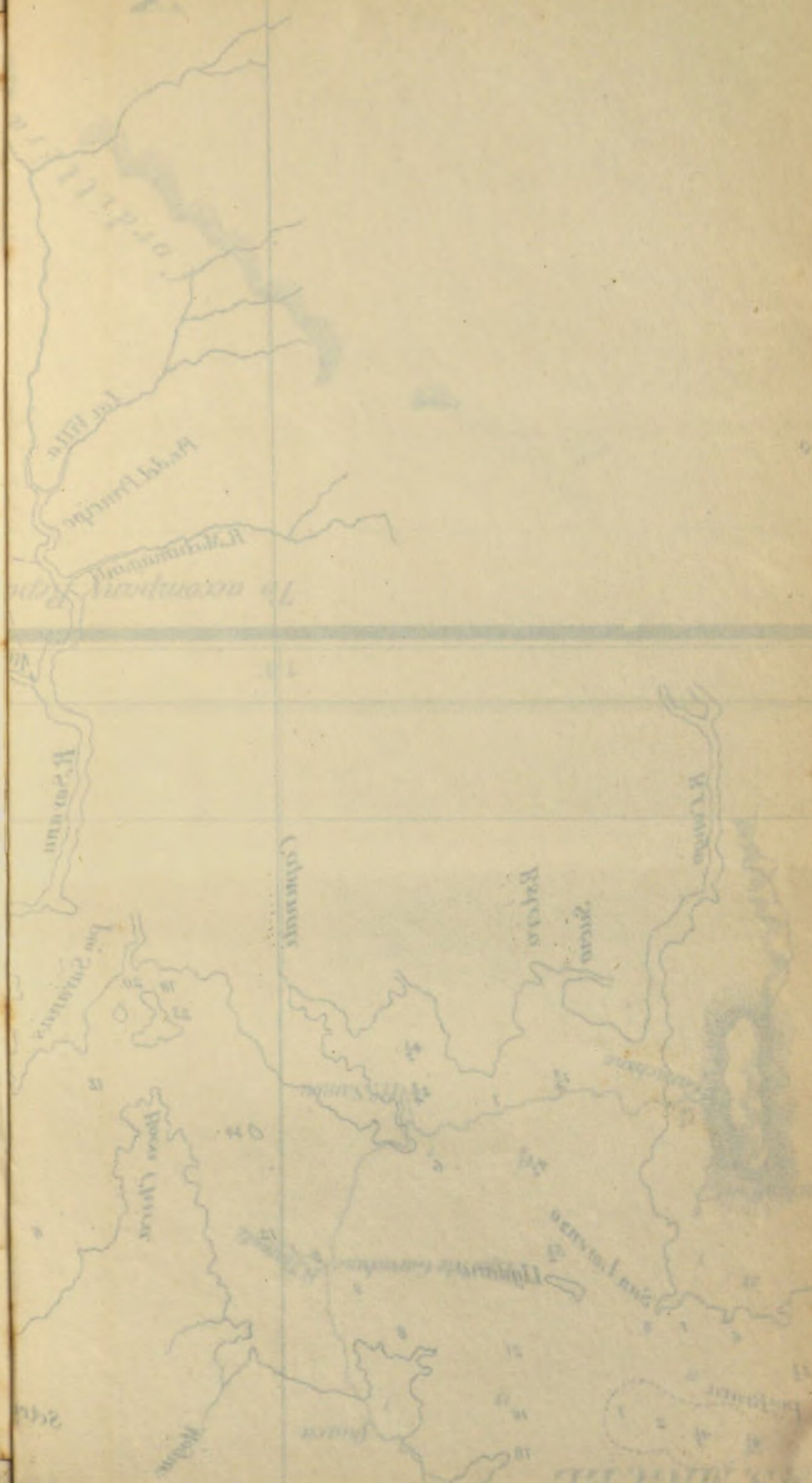
FRANCISCO

CHRISTOPHER

1791





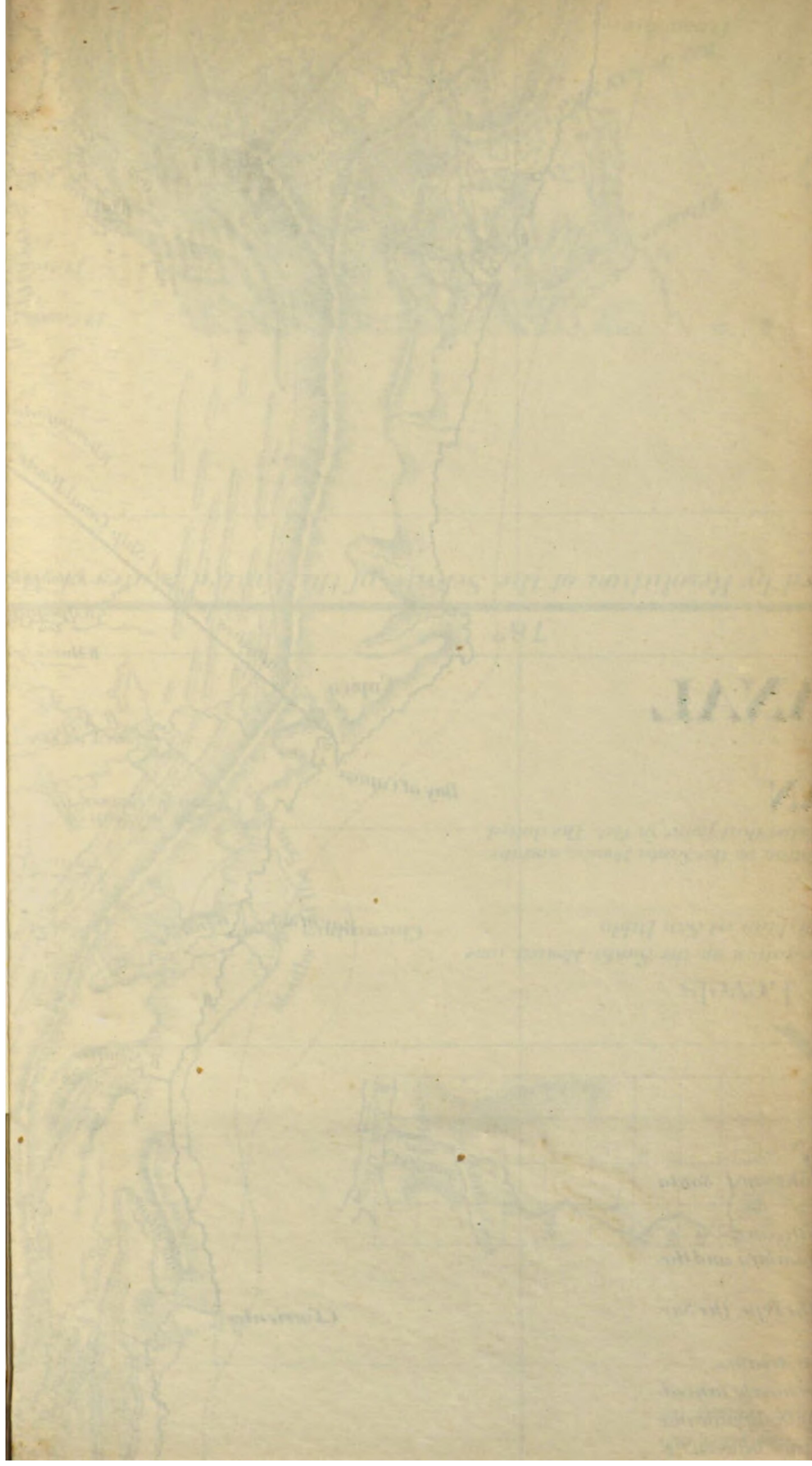


1891

1891

1891

1891



1733

Mass

THE GREAT TUNNEL

INDIAN ROUTE
CANAL ROUTE

THE GREAT TUNNEL
INDIAN ROUTE
CANAL ROUTE

1760

THE UNIVERSITY OF CHICAGO
LIBRARY
CHICAGO, ILL.
1760

1000000

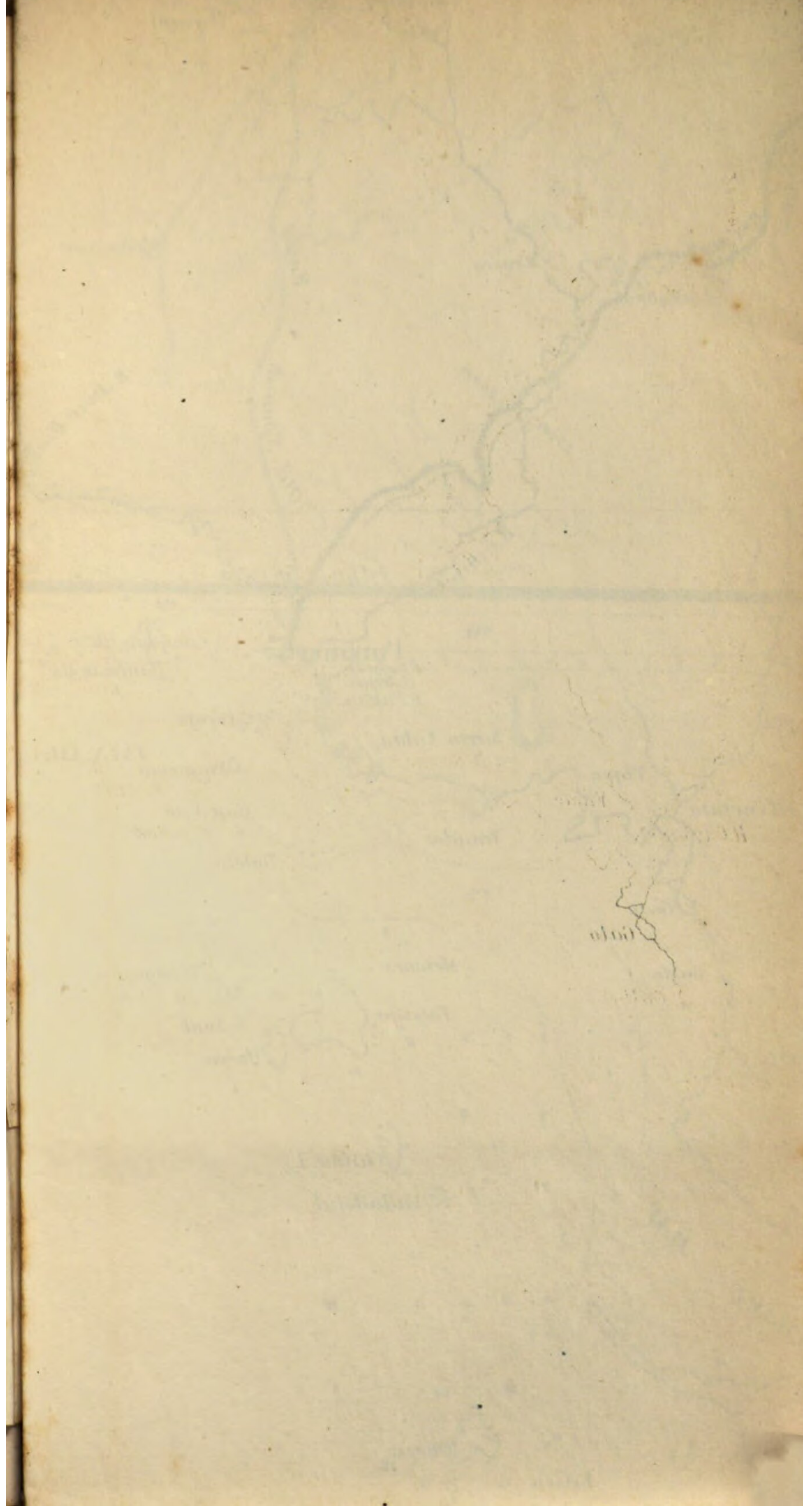
1000000

1000000

1000000

1000000

1000000



LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

In compliance with a resolution of the Senate of the 24th ultimo, the evidence upon which the awards for the apprehension of Jefferson Davis were made.

MAY 1, 1866.—Read and referred to the Committee on Military Affairs and the Militia.

JULY 5, 1866.—Committee discharged, and referred to the Committee on Finance, and ordered to be printed.

WAR DEPARTMENT,
Washington City, April 30, 1866.

SIR: As requested in the Senate's resolution of the 24th of April, 1866, on the subject, I have the honor to send herewith the Adjutant General's letter of the 28th of April, covering all evidence upon which the award of the commission appointed to examine the different claims to the reward offered for the apprehension of Jefferson Davis was based, including copies of the reports of Lieutenant Colonel D. B. Pritchard, 4th Michigan cavalry, and of Lieutenant Colonel Henry Harnden, 1st Wisconsin cavalry. There are no orders on record, in the department, under which those officers acted.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, April 28, 1866.

SIR: In compliance with your orders I have the honor to submit copies of papers called for by resolution of the Senate, dated April 24, 1866, requesting all evidence upon which the award of the commission appointed to examine the different claims to the reward offered for the apprehension of Jefferson Davis was based, and especially copies of the reports of Lieutenant Colonel D. B. Pritchard, of the 4th Michigan cavalry, and of Lieutenant Colonel Henry Harnden, of the 1st Wisconsin cavalry, together with copies of the orders under which the above-named officers respectively acted," viz:

1. Report of General J. H. Wilson, dated May 19, 1865.
2. Report of Colonel Minty, dated May 18, 1865.
3. Report of Lieutenant Colonel Harnden, 1st Wisconsin cavalry, dated May 13, with indorsements.

4. List of officers and men of the 1st Wisconsin cavalry reported as engaged in the pursuit.
5. Report of Captain Hathaway, 4th Michigan cavalry, dated May 15, 1865.
6. List of officers and men of the 4th Michigan cavalry reported as actually present at capture.
7. List of officers and men of the 4th Michigan cavalry that left camp on the night of May 7, 1865, on the expedition which resulted in the capture.
8. Lieutenant Colonel Pritchard's report, dated May 25, 1865.
9. Brevet Brigadier General Minty's letter of July 6, 1865, forwarding report of Lieutenant Colonel Pritchard, dated July 2, 1865, with two enclosures.
10. Supplemental report of Lieutenant Colonel Pritchard, dated August 28, 1865, with enclosures.
11. Supplemental report of Lieutenant Colonel Harnden, sworn to December 11, 1865, with enclosures.
12. Copy of proclamation by the President of May 2, 1865, offering reward for the apprehension of Jefferson Davis and others.

With the exception of the President's proclamation herein referred to, no orders are on record in the department under which the officers acted in the pursuit, and it is supposed that only verbal orders were given them.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Macon, Georgia, May 19, 1865.

I have the honor to transmit herewith the reports of Captain Hathaway, Lieutenant Colonel Harnden, and Colonel R. H. G. Minty, giving the details of the pursuit and capture of Jefferson Davis, and to submit the following additional information and recommendations:

Soon after I heard that Johnston had surrendered to General Sherman, April 29, I received information that Davis, under escort of a considerable force of cavalry, and with a large amount of treasure in wagons, was marching south from Charlotte with the intention of going west of the Mississippi river. I immediately directed Brevet Brigadier General Winslow, temporarily in command of the 4th division, to march to Atlanta, and from that place watch all the roads north of the mouth of the Yellow river, to send detachments to Newman, Carrollton and Talladega, as well as to Athens and Washington. Brigadier General Croxton, commanding 1st division, was directed to picket the Ocmulgee from the mouth of Yellow river to Macon—to send his best regiment to the east of the Oconee, *via* Dublin, with orders to find the trail of the fugitives and follow them to the Gulf or the Mississippi river, if necessary. I directed Colonel R. H. G. Minty, commanding the 2d division, to picket the Ocmulgee from this place to Hawkinsville, and on the 6th to extend his line rapidly down the Ocmulgee and Altamaha as far as the mouth of the Ohopee. He also sent a force to Oglethorpe to picket the Flint river and crossings from the Muscogee and Macon railroad to Albany, and three hundred men to Cuthbert, to hold themselves in readiness to move in any direction circumstances might render advisable. A small detachment was also sent to Columbus, Georgia.

General McCook, with five hundred men of his division, had been previously ordered to Tallahassee, Florida, for the purpose of receiving the surrender of the rebel troops in that State. A portion of his command at Albany was directed to picket the Flint river thence to its mouth. He was instructed to send out small scouting parties to the north and eastward from Thomasville and Tallahassee.

The troops occupied almost a continuous line from the Etowah river to Tallahassee, Florida, and the mouth of Flint river, with patrols through all the country to the northward and eastward, and small detachments at the railroad stations in the rear of the entire line.

It was expected that the patrols and pickets would discover the trail of Davis and his party, and communicate the intelligence by courier rapidly enough to secure prompt and effective pursuit.

The reports of Captain Hathaway, Lieutenant Colonel Harnden and Colonel Minty, will show how fully these expectations were realized.

Lieutenant Colonels Harnden and Pritchard are entitled to great credit for the zeal and activity with which they conducted the pursuit of Davis, after they had obtained a certain clue to his movements. It is but simple justice to those worthy officers to say, they were both ignorant at the time of the capture that a reward had been offered for the fugitives. I have the honor to recommend, in view of all the facts, that medals of honor be presented to all the officers and men of the 1st Wisconsin and 4th Michigan, actually engaged in the pursuit south of Abbeville, and that the reward be equitably divided between those actually engaged in the capture—ample provision being made first for the families of the men killed and wounded in the unfortunate affair between the two regiments.

The cavalry, amounting to four or five thousand, which started with Davis, was paroled either by my command or that of Brevet Brigadier General Palmer.

I am, sir, very respectfully, your obedient servant,

JAMES H. WILSON,
Brevet Major General.

Brigadier General WILLIAM D. WHIPPLE,
*Chief of Staff and Assistant Adjutant General,
Headquarters Department of the Cumberland.*

Official :

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS SECOND DIVISION CAVALRY CORPS,
MILITARY DIVISION MISSISSIPPI,
Macon, Ga., May 18, 1865.

MAJOR: On the evening of the 7th instant the major general commanding directed me to make immediate arrangements to prevent the escape of Jefferson Davis across the Ocmulgee and Flint rivers, south of Macon.

I already had pickets at all fords and ferries as far south as Hawkinsville. I directed Lieutenant Colonel Pritchard, commanding 4th Michigan cavalry, to march at 6 o'clock p. m. with his regiment; move as rapidly as possible to Spalding, Irwin county, and there establish his headquarters, leaving pickets at all fords and ferries between Hawkinsville and that place, and also to picket from there to the mouth of the Oconee river; but that if he found that Davis had already crossed the Ocmulgee, to follow and capture or kill him. I also sent one hundred and fifty men to Cuthbert, Randolph county.

The next morning I sent Lieutenant Colonel Howland, commanding 2d brig-

4. List of officers and men of the 1st Wisconsin cavalry reported as engaged in the pursuit.

5. Report of Captain Hathaway, 4th Michigan cavalry, dated May 15, 1865.

6. List of officers and men of the 4th Michigan cavalry reported as actually present at capture.

7. List of officers and men of the 4th Michigan cavalry that left camp on the night of May 7, 1865, on the expedition which resulted in the capture.

8. Lieutenant Colonel Pritchard's report, dated May 25, 1865.

9. Brevet Brigadier General Minty's letter of July 6, 1865, forwarding report of Lieutenant Colonel Pritchard, dated July 2, 1865, with two enclosures.

10. Supplemental report of Lieutenant Colonel Pritchard, dated August 28, 1865, with enclosures.

11. Supplemental report of Lieutenant Colonel Harnden, sworn to December 11, 1865, with enclosures.

12. Copy of proclamation by the President of May 2, 1865, offering reward for the apprehension of Jefferson Davis and others.

With the exception of the President's proclamation herein referred to, no orders are on record in the department under which the officers acted in the pursuit, and it is supposed that only verbal orders were given them.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION OF THE MISSISSIPPI,
Macon, Georgia, May 19, 1865.

I have the honor to transmit herewith the reports of Captain Hathaway, Lieutenant Colonel Harnden, and Colonel R. H. G. Minty, giving the details of the pursuit and capture of Jefferson Davis, and to submit the following additional information and recommendations:

Soon after I heard that Johnston had surrendered to General Sherman, April 29, I received information that Davis, under escort of a considerable force of cavalry, and with a large amount of treasure in wagons, was marching south from Charlotte with the intention of going west of the Mississippi river. I immediately directed Brevet Brigadier General Winslow, temporarily in command of the 4th division, to march to Atlanta, and from that place watch all the roads north of the mouth of the Yellow river, to send detachments to Newman, Carrollton and Talladega, as well as to Athens and Washington. Brigadier General Croxton, commanding 1st division, was directed to picket the Ocmulgee from the mouth of Yellow river to Macon—to send his best regiment to the east of the Oconee, *via* Dublin, with orders to find the trail of the fugitives and follow them to the Gulf or the Mississippi river, if necessary. I directed Colonel R. H. G. Minty, commanding the 2d division, to picket the Ocmulgee from this place to Hawkinsville, and on the 6th to extend his line rapidly down the Ocmulgee and Altamaha as far as the mouth of the Ohopee. He also sent a force to Oglethorpe to picket the Flint river and crossings from the Muscogee and Macon railroad to Albany, and three hundred men to Cuthbert, to hold themselves in readiness to move in any direction circumstances might render advisable. A small detachment was also sent to Columbus, Georgia.

General McCook, with five hundred men of his division, had been previously ordered to Tallahassee, Florida, for the purpose of receiving the surrender of the rebel troops in that State. A portion of his command at Albany was directed to picket the Flint river thence to its mouth. He was instructed to send out small scouting parties to the north and eastward from Thomasville and Tallahassee.

The troops occupied almost a continuous line from the Etowah river to Tallahassee, Florida, and the mouth of Flint river, with patrols through all the country to the northward and eastward, and small detachments at the railroad stations in the rear of the entire line.

It was expected that the patrols and pickets would discover the trail of Davis and his party, and communicate the intelligence by courier rapidly enough to secure prompt and effective pursuit.

The reports of Captain Hathaway, Lieutenant Colonel Harnden and Colonel Minty, will show how fully these expectations were realized.

Lieutenant Colonels Harnden and Pritchard are entitled to great credit for the zeal and activity with which they conducted the pursuit of Davis, after they had obtained a certain clue to his movements. It is but simple justice to those worthy officers to say, they were both ignorant at the time of the capture that a reward had been offered for the fugitives. I have the honor to recommend, in view of all the facts, that medals of honor be presented to all the officers and men of the 1st Wisconsin and 4th Michigan, actually engaged in the pursuit south of Abbeville, and that the reward be equitably divided between those actually engaged in the capture—ample provision being made first for the families of the men killed and wounded in the unfortunate affair between the two regiments.

The cavalry, amounting to four or five thousand, which started with Davis, was paroled either by my command or that of Brevet Brigadier General Palmer.

I am, sir, very respectfully, your obedient servant,

JAMES H. WILSON,
Brevet Major General.

Brigadier General WILLIAM D. WHIPPLE,
Chief of Staff and Assistant Adjutant General,
Headquarters Department of the Cumberland.

Official :

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS SECOND DIVISION CAVALRY CORPS,
MILITARY DIVISION MISSISSIPPI,
Macon, Ga., May 18, 1865.

MAJOR: On the evening of the 7th instant the major general commanding directed me to make immediate arrangements to prevent the escape of Jefferson Davis across the Ocmulgee and Flint rivers, south of Macon.

I already had pickets at all fords and ferries as far south as Hawkinsville. I directed Lieutenant Colonel Pritchard, commanding 4th Michigan cavalry, to march at 6 o'clock p. m. with his regiment; move as rapidly as possible to Spalding, Irwin county, and there establish his headquarters, leaving pickets at all fords and ferries between Hawkinsville and that place, and also to picket from there to the mouth of the Oconee river; but that if he found that Davis had already crossed the Ocmulgee, to follow and capture or kill him. I also sent one hundred and fifty men to Cuthbert, Randolph county.

The next morning I sent Lieutenant Colonel Howland, commanding 2d brig-

ade, with the 7th Pennsylvania and 3d Ohio cavalry, to strengthen and extend the pickets as far down as the mouth of the Ohoopsee river.

At Abbeville Colonel Pritchard struck the trail of Davis and his party; this was reported to Colonel Howland, at or near Hawkinsville; he immediately sent Lieutenant Colonel Andress with the best mounted men of his regiment (the 7th Pennsylvania) to co-operate with Colonel Pritchard, and taking the best mounted men of his own regiment (the 3d Ohio,) marched rapidly towards Albany for the purpose of intercepting Davis if he attempted to escape in that direction.

Colonel Pritchard found a detachment of the 1st Wisconsin cavalry, under Lieutenant Colonel Harnden, on Davis's track ahead of him. He then took a circuitous route, and by marching until 2 o'clock a. m. on the 10th instant, succeeded in gaining Irwinsville, while Davis was in camp three-quarters of a mile north of that place; he immediately surrounded the camp, and shortly before daybreak closed in and captured the entire party. This had scarcely been accomplished when the 1st Wisconsin advanced from the opposite direction, and by an unfortunate mishap—each party mistaking the other for the enemy—a skirmish ensued, resulting in two men killed and one officer wounded in the 4th Michigan, and seven or eight wounded in the 1st Wisconsin.

Herewith I hand you the report of Captain Hathaway, commanding the 4th Michigan cavalry (Colonel Pritchard having taken Mr. Davis to Washington,) together with a list of names of officers and men engaged in the pursuit, and also a list of those immediately engaged in the capture. In this latter list company H is not represented; that company was in the advance in the pursuit, and south of Abbeville was detached to guard a ford on the Ocmulgee river.

In the despatch of the honorable the Secretary of War mention is made of honorary medals and the reward offered for the apprehension of Mr. Davis. I would respectfully suggest that medals be conferred upon all the officers and men engaged under Colonel Pritchard in the pursuit of the rebel president, and that the reward be equally divided among the one hundred and fifty-three (153) officers and men immediately engaged in the capture.

I am, respectfully, your obedient servant,

ROBERT H. G. MINTY,
Colonel Commanding Division.

Major BEAUMONT,
A. A. General, Cavalry Corps, M. D. M.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

First Wisconsin cavalry will show that Colonel Pritchard acted strictly in good faith with Colonel Harnden. I would, therefore, and in view of all the facts, respectfully recommend that medals of honor be given to the officers and men of both regiments actually engaged in the pursuit south of Abbeville. In the distribution of the reward the families of the two men killed should be amply provided for.

J. H. WILSON,
Brevet Major General.

HEADQUARTERS FIRST WISCONSIN CAVALRY,
Near Macon, Ga., May 13, 1865.

GENERAL: I have the honor to report that, in compliance with your orders of the 6th instant, I marched from Macon at six o'clock on the evening of that day, with one hundred and fifty men of the 1st Wisconsin cavalry, and proceeded to Jeffersonville, Twiggs county. Leaving Lieutenant Hewitt with

thirty men to watch the cross-roads at that place; I continued the march on to Thomas's cross-roads, Wilkinson county, where I learned that a large party of paroled men from General Johnston's army had just passed that point, on their way home; some were armed and others were not, but all were mounted.

After feeding our animals I continued on to Dublin, Lawrence county, which point I was ordered to reach as soon as possible, arriving there about 5 o'clock p. m. May 7th, and encamped near the ferry across Oconee river, having marched a distance of fifty-five miles. At Dublin I learned from some negroes that a train of light wagons and ambulances had crossed the ferry during the day, and going on the Jacksonville road, attended by an escort and having some very fine led horses; but the citizens of Dublin disclaimed all knowledge of there having been any train of wagons in that place. Later in the night I also learned from another negro that Jefferson Davis and wife were with the train. Here I left Lieutenant Lane with fifty-five men to guard the ferry and patrol the roads. With the balance of my command I started at daylight in pursuit on the Jacksonville river road. At Turkey creek bridge I learned that the train had taken the Telfair road, and from a woman I got the description of a man I thought must be Jefferson Davis.

From this place I sent a despatch to you, but I have since learned that the courier was captured by the rebels and taken thirty miles down into the pine woods, robbed of his arms, horse and equipments, and then released. I found the trail of the wagons very indistinct, as the country was pine woods, poor and barren, and almost uninhabited. Here I impressed a guide who had heard of the wagons the evening before, and who led us away from the main road, some eleven miles, to the place where the train had encamped the night before, between the forks of Alligator creek. After having fed the horses, and taking a new guide, we again started in pursuit. At this point we were four hours behind them. Our way now led across the main Alligator creek and through the swamps, to the ford of Gum Swamp creek, Pulaski county, where I encamped, it being then after dark, and the trail too indistinct to follow; distance marched this day, forty miles.

On the 9th of May we started at 3 o'clock a. m., marched to Sugar creek, thence to Cypress creek, thence to Ocmulgee river, which we followed down a few miles in a dense swamp to Brown's ferry. In crossing my command, an accident happened to the ferry-boat, causing a delay of two hours. At this place I learned, positively, that Mr. Davis and family were the occupants of one of the ambulances in the train which we were following. Proceeding to Abbeville, Wilcox county, I fed the horses, and learning that the train had left that place at one o'clock a. m., (May 9,) in the direction of Irwinsville, Irwin county, I sent forward my command in that direction, going myself to meet Colonel Pritchard, who I learned was advancing with the 4th Michigan cavalry, on the Hawkinsville road. I informed the colonel of the train which I had been so long pursuing, and that Mrs. Davis and family were with it, and that Jeff. Davis, himself, was undoubtedly accompanying them, or not very far distant; also that my command had gone on towards Irwinsville in pursuit.

Colonel Pritchard then informed me that he was ordered to Abbeville with his regiment to watch for Jeff. Davis, at the same time tendering me some of his men, which I declined, as my force was sufficiently large, and I found it very difficult to obtain forage for the horses and subsistence for the men. Parting with Colonel Pritchard near Abbeville, I soon overtook my command; and after marching some ten miles from the last named town, we discovered the camping ground of the train so recently left that the fires were not yet gone out. I continued on in the direction of Irwinsville, through the pine woods, until about 9 o'clock p. m., when I halted, and as we had no grain, ordered the horses to be grazed, and the men to be ready for an early start. At this time I felt certain the train was near at hand; but fearing that if we came upon them in the darkness of that night, Jeff. Davis and others might escape unde

cover of the night. I waited until 3 o'clock a. m., (May 10,) when I again started. After marching about one mile—possibly more—our advance guard, commanded by Sergeant Hussy, was halted by a party of men partly concealed behind trees. Supposing, of course, we had run upon the rebel picket, the sergeant endeavored to retreat, when a heavy volley was fired upon his party, wounding three out of his seven men. Knowing that we were in the immediate vicinity of the rebels, and having had no intimation of the presence of Union troops in that vicinity, (I understood from Colonel Pritchard that he was going into camp at Abbeville, which was over twenty miles in our rear,) I immediately prepared to drive them back upon the train, and capture the whole command, if possible. Advancing with ten men to ascertain the position and strength of the force opposing our further progress, we were again met with another heavy volley from the same unseen source. I then deployed my small force and advanced rapidly, forcing back the opposing force, when we captured a prisoner, who proved to be a member of the 4th Michigan cavalry, Colonel Pritchard commanding. All the firing immediately ceased, when an explanation showed that after parting with Colonel Pritchard, at Abbeville, the colonel had selected a portion of his best mounted men and pushed rapidly forward on the river road, thence by the way of House creek to Irwinsville, arriving there before the train; then came out to where the train was encamped, one mile from the town, and about two miles from our encampment. He (Colonel Pritchard) had sent a small force, dismounted, around to the rear of the train, and as his force moved upon the train from the Irwinsville side we encountered his dismounted men within a short distance, only a few hundred yards, from the rebel camp.

While the fight was going on between my command and Colonel Pritchard's, a portion of his force captured the train, Jeff. Davis, and family.

The casualties in my command were three men severely wounded, several slightly wounded, and two horses killed. I regret to learn that the 4th Michigan had two men killed and one officer severely wounded. I sincerely regret the unfortunate collision, resulting in the death of two brave and noble soldiers and the maiming of several more; but of the degree of culpability which attaches to my conduct in this matter others must decide.

After attending to the wounded as well as possible, transportation having been kindly furnished them by Colonel Pritchard in captured ambulances, I returned to Macon as rapidly as the condition of my horses would permit, where I arrived in the forenoon of May 13, 1865.

I am, general, your obedient servant,

HENRY HARNDEN,

Lieut. Col. Com'g 1st Wisconsin Cavalry.

Brigadier General CROXTON,

Com'g 1st Division C. C., M. D. M.

HEADQUARTERS 2D BRIGADE, 1ST CAV. DIV. M. D.,

Macon, Georgia, May 14, 1865.

Respectfully forwarded.

From this report it appears that Lieutenant Colonel Harnden faithfully discharged his duty, and no blame can attach to him in relation to the unfortunate collision between his detachment and Colonel Pritchard's, which he had every reason to believe remained at Abbeville. It is, however, a source of painful regret that the satisfaction experienced in this consummation is clouded by the knowledge that an act having every appearance of unsoldierly selfishness in appropriating by deception the fruits of another's labor, and thus attaining

unearned success, resulted in unnecessary bloodshed, and a sacrifice of lives for which no atonement can be made. What may have been intended merely as an act of bad faith towards a fellow-soldier resulted in a crime, and for this closing scene of the rebellion, inglorious in itself, but historic by circumstances, it is difficult to repress a wish that accident had afforded the government a representative above suspicion.

O. H. LA GRANGE,
Colonel Commanding.

HEADQUARTERS 1ST DIVISION C. C., M. D. M.,
Macon, Georgia, May 15, 1865.

Respectfully forwarded.

As an act of justice to all parties, I recommend that this report, together with that of Lieutenant Colonel Pritchard, be forwarded to the Secretary of War, with the request that they be published in the Army and Navy Gazette.

JNO. T. CROXTON,
Brigadier General Commanding.

HEADQUARTERS CAVALRY CORPS, M. D. M.,
Macon, Georgia, May 19, 1865.

Respectfully forwarded.—The recommendation of General Croxton approved.

Justice to a brave and skilful officer compels me to say I do not think the strictures of Colonel La Grange warranted by the facts. Colonel Pritchard would have been more culpable had he have remained in camp, knowing the object of his search had already passed on. I am unwilling to believe him intentionally guilty of any act unbecoming a good soldier.

Colonel Harnden and his command are certainly, on the other hand, entitled to a full share of the credit in apprehending Jefferson Davis, and in no way to blame for the collision between his own command and that of Colonel Pritchard.

JAS. H. WILSON,
Brevet Major General.

Official:

E. D. TOWNSEND,
Assistant Adjutant General.

List of names of the officers and men of the 1st Wisconsin cavalry engaged in the pursuit and capture of Jefferson Davis.

No.	Name.	Rank.	Co.	Remarks.
1	Henry Harnden.....	Lt. colonel.		Orderly for Colonel Harnden.
2	O. P. Clinton.....	2d lieut.	B	
3	W. O. Hargrave.....	Sergt. maj.	....	
4	James Alpin.....	Private	K	
5	Austin M. Horr.....	Sergeant	A	
6	David N. Bell.....	Private	A	
7	William Billsbeck.....	do.	A	
8	Martin M. Coleman.....	do.	A	
9	William Dezer.....	do.	A	
10	John Huntermer.....	do.	A	
11	Gotleib J. Klineline.....	do.	A	
12	Sidney Leonard.....	do.	A	
13	James McStilson.....	do.	A	
14	George W. Silsbee.....	do.	A	
15	Christopher Stinebrook.....	do.	A	
16	Herbert Schelter.....	do.	A	
17	Luther L. Blair.....	Sergeant	B	
18	Melvin T. Olin.....	do.	B	
19	John Clark.....	do.	B	
20	Thomas P. Culbertson.....	Corporal	B	
21	James H. McCrary.....	do.	B	
22	Ezra H. Stewart.....	do.	B	
23	Albert L. Beardsley.....	Private	B	
24	Thomas Coleman.....	do.	B	
25	Rawson P. Franklin.....	do.	B	
26	Sylvester Fairbanks.....	do.	B	
27	William Gill.....	do.	B	
28	William Grimes.....	do.	B	
29	Lewis Jacobson.....	do.	B	
30	Honore Leverner.....	do.	B	
31	William Matskie.....	do.	B	
32	Ira Miller.....	do.	B	
33	John Nolan.....	do.	B	
34	John Norton.....	do.	B	
35	Warren P. Otterson.....	do.	B	
36	Stephen Pouquette.....	do.	B	
37	William A. Spangler.....	do.	B	
38	Frederick Steinfield.....	do.	B	
39	Joseph Smith.....	do.	B	
40	George Wright.....	do.	B	
41	John Wagner.....	do.	B	
42	George G. Hussey.....	Sergeant	D	
43	J. M. Wheeler.....	do.	D	
44	G. W. Sykes.....	Corporal	D	
45	L. P. Pond.....	do.	D	
46	Joseph Myers.....	do.	D	
47	George La Borde.....	do.	D	
48	Nelson Apley.....	Private	D	
49	P. F. Anderson.....	do.	D	
50	Donald Brander.....	do.	D	
51	F. Bublitz.....	do.	D	
52	J. S. Burton.....	do.	D	
53	Lawrence Bird.....	do.	D	
54	Joseph Beguen.....	do.	D	
55	A. J. Craig.....	do.	D	
56	Thomas Day.....	do.	D	
57	Thomas Dickerson.....	do.	D	
58	Jerrold Fields.....	do.	D	
59	James Foley.....	do.	D	
60	Jacob Gosh.....	do.	D	

List of officers and men of the 4th Wisconsin cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
61	D. H. Goodrich.....	Private	D	
62	Lewis Harting.....	do.....	D	
63	N. M. Hephner.....	do.....	D	
64	C. Helgersen.....	do.....	D	
65	Henry Hamilton.....	do.....	D	
66	A. E. Johnson.....	do.....	D	
67	John Ludwick.....	do.....	D	
68	M. F. Nickerson.....	do.....	D	
69	P. W. O'Heron.....	do.....	D	
70	J. A. L. Pooch.....	do.....	D	
71	Alexander Pengilly.....	do.....	D	
72	Arne Renom.....	do.....	D	
73	Jerome Roe.....	do.....	D	
74	Herman Stone.....	do.....	D	
75	John Spear.....	do.....	D	
76	Henry Sidenburg.....	do.....	D	
77	J. H. Warren.....	do.....	D	
78	C. W. Seely.....	do.....	D	
79	Charles L. Hewitt.....	1st lieut.....	A	
80	Frank Dolph.....	Sergeant.....	A	
81	Obed W. Bell.....	do.....	A	
82	Isaac W. Spoor.....	do.....	A	
83	Orlando Babcock.....	do.....	A	
84	James Akenhead.....	Corporal.....	A	
85	Henry H. Benson.....	do.....	A	
86	Horace Miner.....	do.....	A	
87	Robert Delong.....	do.....	A	
88	Dorr A. Gurnee.....	do.....	A	
89	James M. Blood.....	Private.....	A	
90	Henry Carr.....	do.....	A	
91	Charles Firhelm.....	do.....	A	
92	Eliab Farnum.....	do.....	A	
93	Edward Gibney.....	do.....	A	
94	Asa R. Green.....	do.....	A	
95	Roswell Hart.....	do.....	A	
96	Jeremiah Harrington.....	do.....	A	
97	August Jahmke.....	do.....	A	
98	Charles J. Marvine.....	do.....	A	
99	Barnard Marcus.....	do.....	A	
100	Adrastus Newell.....	do.....	A	
101	August Petram.....	do.....	A	
102	Andrew J. Pierson.....	do.....	A	
103	Jeremy H. Smith.....	do.....	A	
104	David A. Stafford.....	do.....	A	
105	Charles Stark.....	do.....	A	
106	Samuel C. Torrey.....	do.....	A	
107	William Voyght.....	do.....	A	
108	John M. White.....	do.....	A	
109	Donat Wisenberg.....	do.....	A	
110	Lorenz Werner.....	do.....	A	
111	H. L. Palmer.....	1st serg't.....	C	
112	Charles Chase.....	Com'y serg't.....	C	
113	Thomas Dillion.....	Sergeant.....	C	
114	A. B. Haxford.....	do.....	C	
115	Thomas Callahan.....	do.....	C	
116	B. P. Smith.....	Corporal.....	C	
117	B. N. Castle.....	do.....	C	
118	R. W. Hays.....	Sergeant.....	C	
119	J. S. Baldwin.....	Corporal.....	C	
120	J. Z. Black.....	Private.....	C	
121	C. Brandyburg.....	do.....	C	
122	S. C. Culver.....	do.....	C	
123	M. Curtis.....	do.....	C	

List of officers and men of the 4th Wisconsin cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
124	C. T. Clark.....	Private	C	
125	L. D. Vaud.....	do.....	C	
126	George Downing.....	do.....	C	
127	J. Dougherty.....	do.....	C	
128	W. Gallagher.....	do.....	C	
129	A. S. Hart.....	do.....	C	
130	F. Henke	do.....	C	
131	J. Kent	do.....	C	
132	C. Kinsman	do.....	C	
133	B. Klunsman.....	do.....	C	
134	H. Krichner	do.....	C	
135	E. Langler	do.....	C	
136	William H. Noble	do.....	C	
137	O. N. Noble	do.....	C	
138	William H. Polley.....	do.....	C	
139	Z. Reimer	do.....	C	
140	P. B. Richer.....	do.....	C	
141	William Struetz.....	do.....	C	
142	William Spiller	do.....	C	
143	William H. Strong.....	do.....	C	
144	William M. Swart.....	do.....	C	
145	B. Suer	do.....	C	
146	E. E. Sweet.....	do.....	C	
147	E. Thompson.....	do.....	C	
148	J. Taylor.....	do.....	C	
149	J. W. Tremont	do.....	C	
150	C. M. Turner.....	do.....	C	
151	D. A. White.....	do.....	C	
152	T. W. Lane	2d lieut	D	Commanding company C.

HENRY HARNDEN,
Lieutenant Colonel Commanding Regiment.
 J. M. WATERMAN,
Lieutenant and A. A. A. General.

Official :

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS FOURTH MICHIGAN CAVALRY,
Near Macon, Georgia, May 15, 1865.

MAJOR: I have the honor to report that on the 7th of May, at 4 p. m., Lieutenant Colonel Pritchard, with the effective force of the regiment, 435 men and 26 officers, moved from camp on the Fort Valley road in a southeast direction, following it for four miles, and from thence on the Hawkinsville road. At midnight halted an hour for rest; then pushed forward as rapidly as possible until 10 o'clock a. m. on the 8th, when the command halted to feed and rest, which occupied till 2 o'clock p. m., when the march was resumed. Arrived at Hawkinsville, Georgia, at 5 o'clock, where it was expected supplies would be found sufficient for the command, but there were none. A detachment of the 72d Indiana mounted infantry occupied the place, and were also picketing the Ocmulgee river. Taking the road southward toward Abbeville, Georgia, the command marched rapidly about four miles, and encamped. The roads were good up to that point, and the country much better than that subsequently seen.

During the night it stormed very hard, and in the morning the roads were found in good condition for marching, except here and there where the swollen streams ran across the road. The command moved out at 5 o'clock a. m.; marched as rapidly as possible, arriving at Abbeville at 2 o'clock p. m. Here Colonel Harnden, commanding a detachment of the 1st Wisconsin cavalry, was met, who informed Colonel Pritchard that he had been in pursuit of a train of several wagons and ambulances, belonging to Mr. Jefferson Davis and family, for several days; it had crossed the Ocmulgee river at Brown's ferry, near Abbeville, the previous night, and going into camp, remained till 4 a. m., then took the road to Irwinsville, Georgia, in the direction of which place Colonel Harnden moved with his detachment. Colonel Pritchard did not then intend taking up the pursuit, but, obtaining information of a road about twelve miles below, which led direct to Irwinsville, he determined to follow up, and, if possible, intercept the train and party if they should attempt to take the other road, or to arrive at Irwinsville in advance of them. Taking the best mounted portion of the regiment, 145 men and 8 officers, (leaving the balance under command of Captain Hathaway, with instructions to picket all the ferries on the river that could be found, as far as the strength of his command would permit,) he moved rapidly, and about dark reached Wilcox's mills, from whence, after feeding, he took the direct road to Irwinsville and moved rapidly over a road which had been little travelled, and in some places could hardly be discovered. For fifteen miles not a house was seen, nor a cultivated field. It was a vast pine forest. Arrived at Irwinsville at about 2 a. m. on the 10th instant; not a sound was heard and nothing indicated that a train or any troops had passed that way. By inquiring at one or two places it was learned that there was a camp about a mile from town, on the Abbeville road; men who belonged to it had called at different places and represented themselves to be Texas and Mississippi troops. Nothing further could be learned as to whether there were wagons or not at the camp. Finding a negro who knew where the camp was, Colonel Pritchard moved forward toward it very cautiously, not knowing but what the camp might be that of the 1st Wisconsin cavalry, under Colonel Harnden. Arriving in the vicinity of the camp, a detachment of twenty-five men, dismounted, under command of Lieutenant Purinton, was sent around by the left flank to a position in its rear, when the command would advance and surround the camp. At daylight everything was complete, and the command advanced rapidly and found the camp to be that of those whom it was in pursuit of. They were completely surprised and captured. The detachment under Lieutenant Purinton, in the mean time, had taken a position on the road leading into camp from Abbeville, and im-

mediately after the capture of it a force was espied approaching, which, when it arrived in proper distance, he halted and challenged. One of the advance party answered "friends," but, instead of halting, turned back, and, in consequence, a sharp engagement took place with what was afterwards ascertained to be the 1st Wisconsin cavalry. We had two men killed and one officer wounded. Three of the 1st Wisconsin cavalry were wounded. Following are the names of the killed and wounded in this regiment, and a list of prisoners captured :

H. S. Boutell, first lieutenant company C, wounded severely.
 John Hines, corporal company E, killed.
 John Rupert, private company C, killed.

List of prisoners captured.

Jefferson Davis, president Confederate States of America.
 John H. Reagan, postmaster general Confederate States of America.
 Colonel Johnson, aide-de-camp, president's staff.
 Colonel Lubuck, aide-de-camp, president's staff.
 Colonel B. N. Harrison, private secretary, president's staff.
 Major V. B. Mauvrin, Richmond battalion light artillery.
 Captain George V. Moody, Madison light artillery.
 Lieutenant Hathaway, 14th Kentucky cavalry.
 Midshipman Howell, Confederate States of America.
 Private W. W. Monroe, 14th Kentucky cavalry.
 Private J. Mesick, 12th Kentucky cavalry.
 Private Sanders, 2d Kentucky cavalry.
 Private Walbert, 2d Kentucky cavalry.
 Private Baker, 2d Kentucky cavalry.
 Private Smith, 2d Kentucky cavalry.
 Private Heath, 2d Kentucky cavalry.
 Private Elston, 2d Kentucky cavalry.
 Private J. W. Farley, 2d Kentucky cavalry.
 Private J. G. Tyler, 15th Mississippi infantry, company E.
 Private J. W. Brady, 15th Mississippi infantry, company E.

The family of Mr. Davis was captured with him. It consisted of Mrs. Davis, with four little children, Miss Howell, sister of Mrs. Davis, and two waiting maids.

The regiment returned through Abbeville and Hawkinsville, arriving here at 3 p. m. on the 13th instant, having marched 200 miles, averaging 33½ miles per day.

I am, respectfully, your obedient servant,

JOHN C. HATHAWAY,

Captain Commanding 4th Michigan Cavalry.

Major ROBERT BURNS,

Acting Assistant Adjutant General 2d Brigade, 2d Division,

Cavalry Corps, Military Department Mississippi.

Official :

E. D. TOWNSEND,

Assistant Adjutant General.

List of officers and men of the 4th Michigan cavalry that were present at the capture of Jefferson Davis and party on the morning of May 10, 1865.

No.	Name.	Rank.	Co.	Remarks.
1	Benjamin D. Pritchard	Lieut. col.		Wounded.
2	Julian G. Dickinson	Adjutant .....	.....	
3	Perry J. Davis	R. Q. M. ....	.....	
4	Charles T. Hudson	Captain	E	
5	Silas I. Stauber	1st lieut.	G	
6	Henry S. Boutell	1st lieut.	C	
7	Alfred B. Purinton	2d lieut.	I	
8	John Bennett	2d lieut.	B	
1	Thomas Davis	Com'y serg't ..	A	Killed.
2	George H. Simmons	Sergeant	A	
3	Thomas Riley	do.	A	
4	Rezin Wright	do.	A	
5	Darwin Dunning	Corporal	A	
6	Robert L. Reynolds	do.	A	
7	Lyman J. Russell	do.	A	
8	William Balon	Private	A	
9	Daniel C. Blinn	do.	A	
10	Gilbert Coata	do.	A	
11	James Fullerton	do.	A	
12	Casper Knoble	do.	A	
13	Philo Morse	do.	A	
14	Charles W. Nichols	do.	A	
15	Henry Provost	do.	A	
16	George Rinke	do.	A	
17	A. E. Ford	Sergeant	B	
18	A. A. Braley	do.	B	
19	J. F. Sherbourne	Corporal	B	
20	C. F. Parker	do.	B	
21	William Crow	do.	B	
22	N. B. Tuttle	do.	B	
23	B. B. Bennett	do.	B	
24	A. F. Sheppard	Private	B	
25	W. P. Steadman	do.	B	
26	Frank Crim	do.	B	
27	Augustus Armstrong	do.	B	
28	William V. Wood	do.	B	
29	John Nicholas	do.	B	
30	J. J. Boutell	do.	B	
31	L. H. Wilcox	do.	B	
32	Abram Lebring	Corporal	C	
33	Ruben Palmerton	do.	C	
34	Daniel Q. Curry	do.	C	
35	George M. Munger	do.	C	
36	James F. Bullard	Private	C	
37	David Dillon	do.	C	
38	Frank C. Leach	do.	C	
39	James H. Lynch	do.	C	
40	Stephen B. Munson	do.	C	
41	John Ruppert	do.	C	
42	Ranselear Riggs	do.	C	
43	William J. Smith	do.	C	
44	Harmon Stephens	do.	C	
45	James H. Place	Corporal	D	
46	Burt Judson	Private	D	
47	Horace C. Jenney	do.	D	
48	William H. J. Martin	do.	D	
49	William Parker	do.	D	
50	Francis E. Thompson	do.	D	
51	Z. H. Wilcox	do.	D	
52	John Brown	do.	D	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Names.	Rank.	Co.	Remarks.
53	Jacob E. Nunn.....	Private	D	Killed.
54	George A. Bullard	Sergeant	E	
55	David B. Green.....	do.....	E	
56	John Hines.....	Corporal	E	
57	Charles W. Tyler.....	do.....	E	
58	Dewitt C. Carr	do.....	E	
59	William H. Crittenden.....	do.....	E	
60	Silas Bullard	Private	E	
61	Robert G. Tripp	do.....	E	
62	Oscar E. Tefts	do.....	E	
63	Henry Johnson.....	do.....	E	
64	William F. Driesman.....	do.....	E	
65	Peter Legarry	do.....	E	
66	George F. Dalmage.....	do.....	E	
67	John G. Stephens.....	do.....	E	
68	John Correnton.....	Sergeant	F	
69	William F. True.....	Corporal	F	
70	Dewitt C. Cobb.....	do.....	F	
71	B. Franklin Nichols.....	Private	F	
72	James Patterson	do.....	F	
73	Ira Harrington, jr.....	do.....	F	
74	John F. Grossman.....	do.....	F	
75	Homer Hazelton.....	do.....	F	
76	Henry Trickey	do.....	F	
77	George Raab	do.....	F	
78	Joseph Bellinger.....	do.....	F	
79	Henry Bradock.....	do.....	F	
80	Dennis Dresco.....	do.....	F	
81	William Wright	do.....	F	
82	Jacob N. Trask.....	Sergeant	G	
83	James T. O'Bryan	do.....	G	
84	John Cavanagh.....	do.....	G	
85	Jeremiah P. Craig.....	do.....	G	
86	William H. Palmateer.....	do.....	G	
87	George W. Vansickee	Corporal	G	
88	John Ballou.....	do.....	G	
89	George Myers.....	do.....	G	
90	Leander B. Shaw.....	do.....	G	
91	Joshua Parks.....	Private	G	
92	Cary Reed	do.....	G	
93	John A. Skinner.....	do.....	G	
94	Joseph Odrin.....	do.....	G	
95	David Cunningham.....	do.....	G	
96	John H. Kelch	do.....	K	
97	Joseph Hofmaster.....	Sergeant	L	
98	Benjamin K. Colf.....	do.....	L	
99	Charles C. Marsh.....	Corporal	L	
100	William Oliver	do.....	L	
101	Edward Lane.....	Private	L	
102	J. W. Linsley.....	do.....	L	
103	Perry Phelps.....	do.....	L	
104	Benjamin F. Carpenter.....	do.....	L	
105	Joseph Stewart.....	do.....	L	
106	William Newkirk.....	do.....	L	
107	George Noggle.....	do.....	L	
108	Jesse J. Penfield.....	do.....	L	
109	William Mann.....	do.....	L	
110	Andrew Bee.....	do.....	L	
111	Daniel Edwards	do.....	L	
112	Wesley D. Pond.....	1st sergeant	M	
113	Simeon Huff.....	Corporal	M	
114	Henry Shanahan.....	do.....	M	
115	Emanuel Beazan	Private	M	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Names.	Rank.	Co.	Remarks.
116	Andrew Anderson.....	Private	M	
117	Robert Arnold.....	do.....	M	
118	John Vantyle.....	do.....	M	
119	Daniel Graham.....	do.....	G	
120	Elias Fierce	1st sergeant	I	
121	Lester C. Bates.....	Sergeant...	I	
122	Jerome B. Heath.....	Corporal...	I	
123	Preston W. Brown.....	do.....	I	
124	Luke M. Thayer.....	Private	I	
125	Martin L. Brown	do.....	I	
126	George W. Bodwell.....	do.....	I	
127	William Dill.....	do.....	I	
128	George W. Dutcher.....	do.....	I	
129	Charles Flugger.....	do.....	I	
130	Daniel E. Krumer.....	do.....	I	
131	Charles M. Middaugh	do.....	I	
132	Peter McKennedy.....	do.....	I	
133	Hiram H. McCollough.....	do.....	I	
134	Maswin R. Pettet.....	do.....	I	
135	Ansel Adams.....	Sergeant...	K	
136	Alonzo Moe.....	Corporal...	K	
137	James R. Norton.....	Private	K	
138	John Nelson.....	do.....	L	
139	Jacob D. Newith.....	do.....	K	
140	Edwin Mabie.....	do.....	K	
141	Smith B. Mills.....	do.....	K	
142	Decator Jacox.....	do.....	K	
143	Enoch L. Rhodes.....	do.....	K	
144	Thomas Folley	do.....	K	
145	Nathaniel Root	do.....	K	

Official :

E. D. TOWNSEND,
Assistant Adjutant General.

List of officers and men of the 4th regiment Michigan cavalry that left camp on the night of May 7, 1865, on the expedition which resulted in the capture of Jefferson Davis and party.

No.	Name.	Rank.	Co.	Remarks.
1	Benjamin D. Pritchard.....	Lt. colonel.		(98th Illinois mounted infantry.)
2	Julian G. Dickinson.....	Adjutant.....	.....	
3	Perry J. Davis.....	R. Q. M.....	.....	
4	John S. Pugsley.....	R. com's'y.....	.....	
5	John A. Grooves.....	Asst. surg.....	.....	
6	Lauren H. Ripley.....	1st lieut.....	A	
7	Hiram D. Treak.....	2d lieut.....	A	
8	John A. Palmer.....	1st lieut.....	B	
9	Jonn Bennett.....	2d lieut.....	B	
10	Henry S. Boutell.....	1st lieut.....	C	
11	John C. Hathaway.....	Captain.....	D	
12	Herbert A. Backus.....	1st lieut.....	D	
13	Charles T. Hudson.....	Captain.....	E	
14	Chaucha M. Bickford.....	2d lieut.....	E	
15	Silas I. Stauber.....	1st lieut.....	G	
16	Charles W. Fisk.....	1st lieut.....	H	
17	Lorenzo T. Southworth.....	2d lieut.....	H	
18	Alfred B. Purinton.....	2d lieut.....	I	
19	T. H. B. Hazelton.....	1st lieut.....	I	
20	Leonard C. Remington.....	2d lieut.....	K	
21	Samuel F. Murphy.....	2d lieut.....	L	
1	Fitz E. Stevens.....	Sergt. maj.....		
2	Harlan P. Dunning.....	Com'y serg't.....	.....	
3	Amos Knight.....	Hosp'l st'wd.....	.....	
1	Othniel E. Gooding.....	1st serg't.....	A	
2	B. Frank Gooding.....	Sergeant.....	A	
3	Thomas Davis.....	do.....	A	
4	George H. Simmons.....	do.....	A	
5	Thomas Riley.....	do.....	A	
6	George Miles.....	do.....	A	
7	Rezin Wright.....	do.....	A	
8	Darwin Dunning.....	Corporal.....	A	
9	William P. Smith.....	do.....	A	
10	Robert L. Reynolds.....	do.....	A	
11	Lyman J. Russell.....	do.....	A	
12	Hiram Austin.....	Private.....	A	
13	William Bahon.....	do.....	A	
14	James B. Boyle.....	do.....	A	
15	Daniel C. Blinn.....	do.....	A	
16	John Baty.....	do.....	A	
17	Joseph Corbitt.....	do.....	A	
18	Gilbert Coatra.....	do.....	A	
19	James Fullerton.....	do.....	A	
20	Peter Gallagher.....	do.....	A	
21	Timothy Hill.....	do.....	A	
22	John L. Harlan.....	do.....	A	
23	Casper Knoble.....	do.....	A	
24	Josiah B. Moore.....	do.....	A	
25	Joseph Moore.....	do.....	A	
26	Philo Morse.....	do.....	A	
27	Joshua Moe.....	do.....	A	
28	Charles W. Nichols.....	do.....	A	
29	Henry Prevost.....	do.....	A	
30	John Rose.....	do.....	A	
31	Gilbert H. Haight.....	do.....	A	
32	Thurman D. Knapp.....	do.....	A	
33	John W. Ward.....	do.....	A	
	John Schweigart.....	do.....	A	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
35	George Rinke	Private	A	
36	Thomas Lennon	do.	A	
37	Wells Sprague	do.	A	
38	John Fleming	do.	A	
39	John W. Bradner	1st serg't	B	
40	Wakeman L. Grant	Sergeant	B	
41	Morris Brass	do.	B	
42	Abel A. Braley	do.	B	
43	Simon Voght	do.	B	
44	Alonzo E. Ford	do.	B	
45	William Crow	Corporal	B	
46	John F. Sherburne	do.	B	
47	Chester Barber	do.	B	
48	C. F. Parker	do.	B	
49	Nelson B. Tuttle	do.	B	
50	A. W. Kenney	do.	B	
51	Baxter B. Bennett	do.	B	
52	Augustus Armstrong	Private	B	
53	William Amidon	do.	B	
54	Francis Busha	do.	B	
55	Franklin Crim	do.	B	
56	Andrew Cleary	do.	B	
57	Stephen Gardner	do.	B	
58	Willard Huffman	do.	B	
59	George Jacobs	do.	B	
60	John Nicholas	do.	B	
61	Solomon Powell	do.	B	
62	Jacob J. Powell	do.	B	
63	J. J. Perry	do.	B	
64	Patrick Ryan	do.	B	
65	Alpheus F. Sheppard	do.	B	
66	W. P. Steadman	do.	B	
67	David B. Skinner	do.	B	
68	John Trumbull	do.	B	
69	William V. Wood	do.	B	
70	Frank Wright	do.	B	
71	Peter Williams	do.	B	
72	Enoch Woodbridge	do.	B	
73	Joseph Wilch	do.	B	
74	Albert Raymond	do.	B	
75	Louis H. Wilcox	do.	B	
76	Albert B. Bradley	do.	B	
77	John H. Shoemaker	1st serg't	C	
78	Charles L. Leathers	Sergeant	C	
79	Thomas D. Smead	do.	C	
80	Abram Sebring	Corporal	C	
81	Charles Burrell	do.	C	
82	Reuben Palmerton	do.	C	
83	David O. Curry	do.	C	
84	George M. Munger	do.	C	
85	Gurley B. Chase	Farrier	C	
86	Jerome Rockwell	Wagoner	C	
87	Azro Blakslee	Private	C	
88	James F. Bullard	do.	C	
89	Simeon S. Cooper	do.	C	
90	Gilbert H. Darling	do.	C	
91	Egbert O. Dickinson	do.	C	
92	David Dillon	do.	C	
93	Franklin C. Leach	do.	C	
94	James H. Lynch	do.	C	
95	George N. McCarthy	do.	C	
96	Benjamin McElroy	do.	C	
97	Stephen B. Munson	do.	C	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
98	Henry D. Murry	Private	C	
99	George B. Reddiker	do	C	
100	Thomas Robb	do	C	
101	John Ruppert	do	C	
102	Ranslear Riggs	do	C	
103	Benjamin F. Sherman	do	C	
104	George I. Smith	do	C	
105	William J. Smith	do	C	
106	Harmon Stephens	do	C	
107	Ira Stockwell	do	C	
108	Gabriel Swaggart	do	C	
109	Emery Waurle	do	C	
110	Benson B. Withey	do	C	
111	George Worthey	do	C	
112	Edward W. Parker	Sergeant	D	
113	Robert W. Morris	do	D	
114	James H. Place	Corporal	D	
115	Ephraim Truesdell	do	D	
116	Watson L. Williams	Farrier	D	
117	Hiram S. Youngs	do	D	
118	Jacob Bauers	Private	D	
119	John Brown	do	D	
120	Columbus C. Cole	do	D	
121	Levi H. Hatch	do	D	
122	John A. Harrigan	do	D	
123	Thomas Hunter	do	D	
124	Horace C. Jenne	do	D	
125	Elisha Keley	do	D	
126	Burt Judson	do	D	
127	Geo. H. Mott	do	D	
128	Wm. H. J. Martin	do	D	
129	Barnabas A. Mosher	do	D	
130	Jacob E. Num	do	D	
131	Theodore Mero	do	D	
132	William Parker	do	D	
133	James Putman	do	D	
134	Franklin Sawyer	do	D	
135	Henry Stanford	do	D	
136	David A. Sicknor	do	D	
137	Francis E. Thompson	do	D	
138	Henry U. Winsor	do	D	
139	Orin Wiswell	do	D	
140	Zebedee Wilcox	do	D	
141	James H. Collins	do	D	
142	Edwin Hines	1st serg't	E	
143	David B. Green	Sergeant	E	
144	William F. Babcock	do	E	
145	George A. Bullard	do	E	
146	Calhoun M. Burch	do	E	
147	Benjamin S. Vest	do	E	
148	William C. Stiff	Corporal	E	
149	William H. Crittenden	do	E	
150	John Hines	do	E	
151	Dewit C. Carr	do	E	
152	Charles W. Tyler	do	E	
153	James Peeler	do	E	
154	Orlando E. Carpenter	Farrier	E	
155	Nathaniel Rix	do	E	
156	John F. Dart	Private	E	
157	William J. Frazier	do	E	
158	John E. Brown	do	E	
159	John G. Brindle	do	E	
160	Sela Cochrane	do	E	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
161	Cornelius Carrol	Private	E	
162	Oscar Decker	do	E	
163	William F. Driesman	do	E	
164	George F. Derlmage	do	E	
165	Henry Johnson	do	E	
166	Lucius M. Keyes	do	E	
167	Parmenas B. Keyes	do	E	
168	Edwin Larary	do	E	
169	Peter Lagary	do	E	
170	James Lindsey	do	E	
171	Charles Martin	do	E	
172	James Merrick	do	E	
173	Edwin Besha	do	E	
174	Silas Bullard	do	E	
175	Charles Paddock	do	E	
176	Joseph Riley	do	E	
177	Russel S. Seaman	do	E	
178	John G. Stevens	do	E	
179	Oscar E. Tefft	do	E	
180	Robert G. Tripp	do	E	
181	Albert J. Webb	do	E	
182	George Ellis	do	E	
183	Stanley L. Nichols	1st serg't	F	
184	John C. Correnton	Sergeant	F	
185	Thomas Gorman	do	F	
186	Howard A. Dickerson	do	F	
187	Dewitt C. Cobb	Corporal	F	
188	Christian Boringier	do	F	
189	Adam Kline	do	F	
190	William F. True	do	F	
191	Horace H. Connor	do	F	
192	John C. Rapp	Farrier	F	
193	Christian Becht	Private	F	
194	Henry Brodock	do	F	
195	Joseph Billinger	do	F	
196	Dennis Dresco	do	F	
197	William J. Evans	do	F	
198	George Glazer	do	F	
199	John F. Grossman	do	F	
200	Ira Harrington, jr.	do	F	
201	Homer Hazelton	do	F	
202	B. Franklin Nichols	do	F	
203	James Patterson	do	F	
204	Barret Pierson	do	F	
205	George W. Raab	do	F	
206	John P. Perkins	do	F	
207	Homer Leach	do	F	
208	Lucian B. Smith	do	F	
209	James F. Smith	do	F	
210	James St. John	do	F	
211	Henry Trickey	do	F	
212	George W. Temple	do	F	
213	William Wright	do	F	
214	Walter S. Mead	do	F	
215	William Beusneider	Bugler	F	
216	Francis Maguire	1st serg't	G	
217	John C. Nichols	Sergeant	G	
218	Benjamin F. Archer	do	G	
219	Jacob N. Trask	do	G	
220	James T. Obrian	do	G	
221	John Cavanaugh	do	G	
222	Jeremiah P. Craig	do	G	
223	William H. Palmateer	do	G	
224	George W. Vansickle	Corporal	G	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
225	John Ballou	Corporal	G	
226	George Myers	do	G	
227	Leander B. Shaw	do	G	
228	William Brighaur	Private	G	
229	Lawrence E. Carr	do	G	
230	Alexander Cameron	do	G	
231	Stephen Cunningham	do	G	
232	David Cunningham	do	G	
233	Nelson Day	do	G	
234	David Dewey	do	G	
235	Frederick Deventier	do	G	
236	Robert Furgerson	do	G	
237	Timothy C. Green	do	G	
238	Japhet Godfrey	do	G	
239	Henry Gray	do	G	
240	Charles D. Hughes	do	G	
241	Michael Leary	do	G	
242	Joseph Odrin	do	G	
243	Joshua Parks	do	G	
244	Cary Reed	do	G	
245	John A. Skinner	do	G	
246	Samuel Underwood	do	G	
247	Daniel Graham	do	G	
248	George Hall	1st serg't	H	
249	Horace B. Warner	Sergeant	H	
250	Solomon Wightman	do	H	
251	Samuel Van Etten	do	H	
252	Martin Horan	do	H	
253	Daniel O. Crotty	do	H	
254	Benton D. Thurston	Corporal	H	
255	William McCune	do	H	
256	Daniel P. Welton	do	H	
257	Charles Blackall	do	H	
258	Horace Heath	do	H	
259	William H. Conover	do	H	
260	Lucius O. Bates	Private	H	
261	Henry M. Brown	do	H	
262	Abel H. Berry	do	H	
263	Benjamin Bump	do	H	
264	Milo D. Cooper	do	H	
265	Francis J. Corey	do	H	
266	Jerome B. Cady	do	H	
267	William H. Davenport	do	H	
268	Charles H. Delaney	do	H	
269	Noble Dougherty	do	H	
270	Orvin H. Denning	do	H	
271	Lawrence Fletcher	do	H	
272	Augustus Gramer	do	H	
273	David Greer	do	H	
274	Leonard Gates	do	H	
275	John W. Holmes	do	H	
276	Madison A. Hoose	do	H	
277	Patrick Haggarty	do	H	
278	Charles Hunt	do	H	
279	William S. Herrick	do	H	
280	Charles Powell	do	H	
281	James P. Reynolds	do	H	
282	John Sullivan	do	H	
283	Albert Spinks	do	H	
284	John Saur	do	H	
285	William O. Wilson	do	H	
286	Francis Warner	do	H	
287	Oscar Thomas	do	H	
288	E. F. Pierce	1st serg't	I	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
289	Emery A. Miller	Sergeant ..	I	
290	Lester B. Bates	do ..	I	
291	Jerome B. Hath	Corporal ..	I	
292	Martin V. Pomeroy	do ..	I	
293	Preston W. Brown	do ..	I	
294	Luke M. Thayer	Private ..	I	
295	M. L. Brown	do ..	I	
296	George W. Bodwell	do ..	I	
297	William Dill	do ..	I	
298	George W. Dutcher	do ..	I	
299	Charles Flugger	do ..	I	
300	D. E. Krumen	do ..	I	
301	Charles M. Middaugh	do ..	I	
302	P. McKennedy	do ..	I	
304	Hiram H. McCullough	do ..	I	
305	M. R. Pettit	do ..	I	
306	O. J. Bates	do ..	I	
307	Abraham Black	do ..	I	
308	C. Craig	do ..	I	
309	M. Esser	do ..	I	
310	H. C. Kenyon	do ..	I	
311	Joseph H. Abbey	do ..	I	
312	John Lamphere	do ..	I	
313	Joseph Laturno	do ..	I	
314	Robert Love	do ..	I	
315	T. Lee	do ..	I	
316	D. F. McVane	do ..	I	
317	P. D. Pettit	do ..	I	
318	L. C. Wilbur	do ..	I	
319	Charles Fetterley	do ..	I	
320	John T. Byers	do ..	I	
321	George Davenport	1st serg't ..	K	
322	Ansel Adams	Sergeant ..	K	
324	George R. Vantine	do ..	K	
325	Andrew Snook	do ..	K	Same as original.
326	Leander Van Kleek	Corporal ..	K	
327	Robert Dey	do ..	K	
328	Josiah R. Lewis	do ..	K	
329	Alonzo Moe	do ..	K	
330	John Morish	do ..	K	
330	Charles Cobb	do ..	K	
331	John S. Booth	Private ..	K	Same as original.
332	John H. Cunningham	do ..	K	
334	George W. Foster	do ..	K	
335	Thomas Foley	do ..	K	Same as original.
336	William Filkins	do ..	K	
337	Abram H. Fox	do ..	K	
338	John Higgins	do ..	K	
339	Decator Jacox	do ..	K	
340	John H. Kelch	do ..	K	
341	Edwin Mabie	do ..	K	
342	Henry Malone	do ..	K	
343	Smith B. Mills	do ..	K	
344	James R. Norton	do ..	K	
345	John Nelson	do ..	K	
346	Jacob D. Newth	do ..	K	
347	Edwin Potter	do ..	K	
348	Rensalier Rawson	do ..	K	
349	Enoch L. Rhodes	do ..	K	
350	George Somers	do ..	K	
351	Nathaniel Root	do ..	K	
352	Winfield S. Tripp	do ..	K	
354	John S. Torrence	do ..	K	
355	Lucius N. Wade	do ..	K	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
356	Charles H. Stephens.....	Private	K	
357	Timothy Sheppard.....	do.....	K	
358	Joseph Hofmaster.....	Sergeant	L	
359	John F. Beebe.....	do.....	L	
360	Levi Tuttle.....	do.....	L	
361	Gordon N. Kenyon.....	do.....	L	
362	James H. Holdsworth.....	do.....	L	
363	Benjamin K. Colt	do.....	L	
364	Alonzo C. Burnham.....	do.....	L	
365	Charles F. Tubah.....	Corporal	L	
366	Charles C. Marsh	do.....	L	
367	William Oliver.....	do.....	L	
368	William G. Rowe	do.....	L	
369	Ira D. Brooks.....	Private	L	
370	Andrew Bee	do.....	L	
371	Benjamin F. Carpenter.....	do.....	L	
372	Horatio W. Cliff	do.....	L	
373	Albert D. Carpenter	do.....	L	
374	Elijah Cummins.	do.....	L	
375	Henry Chase.....	do.....	L	
376	Rufus N. Davison.....	do.....	L	
377	Francis M. Eddy.....	do.....	L	
378	James M. Flowers.....	do.....	L	
379	Rodney G. Flowers.....	do.....	L	
380	Stillman W. Green	do.....	L	
381	Otis L. Holton.....	do.....	L	
382	John C. Kizer	do.....	L	
383	John W. Linsley.....	do.....	L	
384	John Lowe.....	do.....	L	
385	William Munn.....	do.....	L	
386	Alonzo Miller.....	do.....	L	
387	George Noggle.....	do.....	L	
388	William Newkirk.....	do.....	L	
389	J. J. Penfield.....	do.....	L	
390	Peter Passenger.....	do.....	L	
391	Albert B. Paine.....	do.....	L	
392	Perry Phelps.....	do.....	L	
393	James W. Robinson.....	do.....	L	
394	Henry Smith.....	do.....	L	
395	Joseph E. Stewart.....	do.....	L	
396	Oren Tucker.....	do.....	L	
397	William West.....	do.....	L	
398	Alvah C. Fisk.....	do.....	L	
399	Ferdinand Sebright.....	do.....	L	
400	Patrick McGrady.....	do.....	L	
401	Samuel F. Martin	do.....	L	
402	Daniel H. Edwards.....	do.....	L	
403	Judson J. Bailey.....	do.....	L	
404	George G. King.....	do.....	L	
405	Wilks H. Williams.....	do.....	L	
406	William Farrow.....	do.....	L	
407	James H. Burns	do.....	L	
408	Wesley D. Pond	1st serg't.	M	
409	Edwin Pearce.....	Sergeant	M	
410	George W. Collins.....	do.....	M	
411	Roland Osgood	do.....	M	
412	James W. Argo.....	do.....	M	
413	Henry Shanahan.....	Corporal	M	
414	Simeon Huff.....	do.....	M	
415	Samuel Wilson.....	do.....	M	
416	Elias M. Ingling.....	do.....	M	
417	John E. Rankin.....	do.....	M	
418	James Newell.....	Saddler	M	
419	Robert Arnold	Private	M	

List of officers and men of the 4th Michigan cavalry, &c.—Continued.

No.	Name.	Rank.	Co.	Remarks.
420	Andrew Anderson	Private	M	
421	Ezra Bair	do	M	
422	Cornelius Bassford	do	M	
423	Emanuel Brazan	do	M	
424	Simeon Brownell	do	M	
425	Samuel Harris	do	M	
426	Nathan E. Harrison	do	M	
427	Samuel W. Hubbard	do	M	
428	Elisha B. Perkins	do	M	
429	Eugene M. Seeley	do	M	
430	John Vantyle	do	M	
431	Walter Smith	do	M	
432	Joseph Cogswell	do	H	

Very respectfully submitted :

Official :

JOHN C. HATHAWAY,
Captain, Commanding 4th Michigan Cavalry.

E. D. TOWNSEND,
Assistant Adjutant General.

HEADQUARTERS 4TH MICHIGAN CAVALRY DETACHMENT,

Washington, D. C., May 25, 1865.

SIR: I have the honor to report that, in obedience to orders received from Colonel R. H. G. Minty, commanding 2d division cavalry corps, M. D. M., I left Macon, Georgia, at 8 o'clock p. m. on the 7th instant, in command of the 4th Michigan cavalry, with a numerical strength of four hundred and nineteen (419) enlisted men and twenty (20) commissioned officers, with directions to move down the south bank of the Ocmulgee river from seventy-five to one hundred miles; to take possession of all the ferries below Hawkinsville, picket the river as far as the strength of my regiment would permit, and to scout the country on both sides of the river for the purpose of capturing Jefferson Davis and party, who were reported to have left Washington, Georgia, on the morning of the 12th instant, travelling southwestward, with an intention of crossing the Ocmulgee river at some point between Hawkinsville and Jacksonville; or to capture any other parties who might be fleeing from Richmond in that direction.

I marched the command all night, and until 8 o'clock a. m. of the 8th instant, having marched thirty-six miles, when I halted five hours, rested and fed my command. Moving on again at 1 o'clock p. m., I marched fifteen miles further, and encamped for the night three miles below Hawkinsville, having marched a distance of fifty-one (51) miles inside of twenty-four hours, including all halts.

At 5 a. m. of the 9th instant I moved my command out in the direction of Abbeville, which place I reached at 3 o'clock p. m., and where I discovered the first traces of the object of our search. Here I learned that a train of twelve wagons and two ambulances (as reported) had crossed the Ocmulgee river at Brown's ferry, one and one-half ($1\frac{1}{2}$) mile above Abbeville, about 12 o'clock on the previous night; had stopped at Abbeville long enough to feed their animals, and moved on again before daylight in the direction of Irwinsville. I here met the lieutenant colonel of the first Wisconsin cavalry, (Hinton, I believe,) who informed me that he, with a force of seventy men, was following on the track of the train, and that his men were from one to two hours in advance.

As Colonel Hinton had ample force to cope with that supposed to be with the train, I decided not to move on the same road with him, and continued my course three miles further down the river, where I learned additional facts regarding the character of the train, and which convinced me that it belonged to some of the parties for whom we were looking, and I immediately determined to pursue by another road, believing that if they were hard pressed at any time they would pass from road to road to baffle the efforts of their pursuers, and as they were reported as doing before crossing the river.

Accordingly I ordered a detail of one hundred and twenty-eight (128) enlisted men and seven (7) commissioned officers, besides myself, of the best mounted men in the command, leaving the rest of the regiment under command of Captain Hathaway, directing him to picket the river, scout the country, &c., in accordance with former orders.

At 4 o'clock I put the column in motion, moving down the river road a distance of twelve miles to a point known as Wilcox's Mills; thence by a blind woods road through an almost unbroken waste of pine forest for a distance of eighteen miles in a southwesterly direction to Irwinsville, which we reached about 1 o'clock on the morning of the 10th instant.

Here, passing my command as confederates, and inquiring for "our train," representing that we were a rear guard left to fight back the Yankees, &c., I learned from the inhabitants that a train and party meeting the description of the one reported to me at Abbeville had encamped at dark the night previous one and one-half ($1\frac{1}{2}$) mile out on the Abbeville road. I at once turned the head of my column in that direction, (impressing a negro for a guide,) and, after moving to within one-half mile of the camp, I halted under cover of a slight

eminence, dismounted twenty-five men and sent them, under command of Lieutenant Purinton, to make the circuit of the camp and gain a position in its rear, and thus cut off all possibility of escape, and with special instructions to execute the movement, if possible, without discovery, ; but if discovered, and an alarm was raised, I would immediately charge the camp from the front, when he was to operate with his command from any point which he might then occupy ; that if no alarm was raised I should consider that he had gained the position directed, where he was to wait until I should commence the attack from the front. I had not decided at this time whether to move upon the camp at once, or to wait until daylight ; but, upon further consideration, decided to delay, as it was now after 2 o'clock in the morning, the moon was getting low, and the deep shadows of the forest were falling heavily, rendering it easy for persons to escape undiscovered to the woods and the swamps in the darkness. After waiting an hour and more, and just as the earliest dawn appeared, I put the column in motion, and we were enabled to approach within four or five rods of the camp undiscovered, when a dash was ordered, and in an instant the whole camp, with its inmates, was ours. A chain of mounted guards was immediately thrown around the camp, and dismounted sentries placed at the tents and wagons.

The surprise was so complete, and the movement so sudden in its execution, that few of the enemy were enabled to make the slightest defence, or even arouse from their slumbers in time to grasp their weapons which were lying at their sides before they were wholly in our power.

But at this moment a new scene opened, destined in its mournful results to cloud the otherwise perfect and glorious success of our expedition, for we had not held possession of the camp but a few minutes, and not long enough to ascertain the extent of our capture, when sharp firing was commenced between the dismounted force under Lieutenant Purinton, and what was supposed at the time to be the rebel force guarding the train. The firing was about one hundred rods in rear of the camp, and across a narrow swamp. I immediately ordered all my forces forward to the scene of the firing, leaving only a force sufficient to guard the camp and prisoners. On arriving on the ground, I found my men engaging a force of dismounted men, who were concealed behind trees, &c. I at once formed my men in line, dismounted them, threw out a line of skirmishers, who were advancing handsomely, when I became apprehensive that we were contending with some of our own men, from the determination displayed on their part, and the peculiar report of their fire-arms. I ordered my men at once to cease firing, and rode out towards our opponents and halloed to them, asking them who they were, and received the reply "first Wisconsin." This mistake was not discovered until it had cost the loss of two men killed and a lieutenant severely wounded in the fourth Michigan cavalry, and three men severely, and several slightly, wounded in the first Wisconsin. This lamentable accident arose principally from the refusal of the sergeant in command of the advance of the first Wisconsin to give a proper response to the challenge of Lieutenant Purinton, and partially from the over-zeal of both parties, each supposing they had met the enemy, and it was yet so dark in the woods that it was impossible to distinguish the uniform of the men. As soon as the firing had ceased, I returned to camp and took an inventory of our capture, when I ascertained that we had captured Jeff. Davis and family, (a wife and four children ;) John H. Reagan, his postmaster general ; Colonels Harrison and Lubbock, aides-de-camp to Davis ; Burton N. Harrison, his private secretary ; Major Maurand, Captain Moody, Lieutenant Hathaway, Jeff. D. Howell, midshipman in the rebel navy, and twelve private soldiers ; Miss Maggie Howell, sister of Mrs. Davis, and two waiting maids, one white and one colored, and several servants. We also captured five wagons, three ambulances, about fifteen horses, and from twenty-five to thirty mules. The train was mostly loaded with commissary stores and private baggage of the party.

Upon returning to camp I was accosted by Davis, from among the prisoners, who asked if I was the officer in command; and upon my answering him that I was, and asking him whom I was to call him; he replied that I might call him what or whoever I pleased; when I replied to him that I would call him *Davis*; and, after a moment's hesitation, he said that was his name, when he suddenly drew himself up in true royal dignity and exclaimed: "I suppose that you consider it bravery to charge a train of defenceless women and children, but it is theft, it is vandalism."

After allowing the prisoners time to prepare breakfast, I mounted them on their own horses, taking one of the ambulances for my wounded, and one of the wagons for the dead, using the other two ambulances for the conveyance of the women and children, and started on my return by the direct route to Abbeville, where I arrived at sunset the same day. Here I halted for the night, and called in the rest of my regiment from its duty along the river, and resumed my march towards Macon at an early hour on the morning of the 11th, after having buried our dead, and performed the last solemn rites of the soldier over his fellow comrades, sending couriers in advance to announce the success of the expedition. On the afternoon of the 11th, and when several miles below Hawkinsville, we met the rest of our brigade just coming out from Macon, and received from them the first knowledge of the President's proclamation, accompanied by General Wilson's orders, offering a reward for the capture of Davis and party.

Retaining my independent command, I continued my march to Macon, where I arrived at three o'clock p. m. on the 13th instant, having marched over two hundred miles inside of six days.

While yet on the march, and nine miles out of town, I received orders by courier to provide myself with a special detail of three officers and twenty (20) men from my regiment, and prepare to depart at once for Washington, as a special escort for *Davis and party*; also to take one hundred and fifty (150) men to act as train guard as far as Atlanta. I left Macon by special train at seven o'clock in the evening of the 13th, under the direction of Major General Wilson, having turned over all the private soldiers captured with Davis and party excepting two, receiving an accession of Clement C. Clay and wife.

Arriving at Atlanta at daylight on the morning of the 14th, I found a train and guard in readiness to convey and escort the party to Augusta, where we arrived at sunset of the same day, finding carriages and everything in readiness to convey us to the steamer *Standish*, lying four miles below the city. We arrived on board at eight o'clock, where I received Alexander H. Stephens and Major General Wheeler and staff, and immediately sailed for Savannah, where we arrived at one o'clock a. m. of the 16th instant; reported to General Burge, and at 4 o'clock a. m. the steamer *Emille* was ordered alongside and the prisoners and guard transferred on board, when she immediately steamed for Hilton Head. When opposite Fort Jackson we met steamer *Coit*, with General Gillmore on board, to whom I reported, and when he reached Savannah he telegraphed to Hilton Head for the steamer *Clyde* to be got in readiness at once to receive the prisoners and convey them to Washington, where, upon our arrival, we found all things in readiness, and the transfer from the *Emille* to the *Clyde* took place immediately, and at 3 o'clock of the 16th we put to sea under convoy of the steam sloop-of-war *Tuscarora*, and arrived off Fortress Monroe at noon of the 19th instant. I immediately proceeded on shore and telegraphed my arrival to the Adjutant General, and received orders in reply to anchor out and await further orders. At midnight of the same day I received further orders from your honor to the same effect, saying that General Halleck would be there at noon of the 20th to arrange for the final disposition of the prisoners.

We remained on shipboard until the 22d instant, disposing, meanwhile, of all the prisoners except Davis, Clay, and families, in obedience to orders from General Halleck, and as per receipts in my possession.

On the afternoon of that day the prisoners, Davis and Clay, were transferred, under orders from the same source, to the casemates of Fortress Monroe, and turned over to Brevet Major General Miles, the 4th Michigan cavalry acting as special escort, after which it was temporarily assigned quarters within the fort.

On the afternoon of the 23d I received orders from the War Department, through General Miles, directing me to procure the disguise worn by Davis at the time of his capture, and proceed to Washington and report to the Secretary of War. Accordingly, I went over to the steamer Clyde and received from Mrs. Davis a lady's water-proof cloak, or robe, and which Mrs. Davis said was worn by Davis as a disguise at the time of his capture, and which was identified by the men who saw it on him at the time.

On the morning following, the balance of the disguise was procured, which consisted of a shawl, which was identified, and admitted to be the one by Mrs. Davis. These articles I brought to Washington and turned them over to the Secretary of War; and thus closes my account of the capture and custody, up to the time of his being turned over to the United States authorities, of the great conspirator and traitor, Jefferson Davis. But I would not close this report without recording my evidence of the high merits due to *every* officer and soldier in the command for their earnest zeal and untiring perseverance through many sleepless nights and long weary marches, many going, without murmur, entirely without food for forty-eight (48) consecutive hours; and it is with great consolation that I am enabled to state that, whatever efforts were put forth, either by individuals or by the command, for the capture of Davis, they were not called forth by the glitter of gold, or incited by prospective rewards, but were actuated solely by patriotism and the highest sense of the soldier's duty, for no knowledge of the President's proclamation or General Wilson's order offering rewards for Davis were received until two days after the capture. It is, indeed, hard to individualize, where *all* have done their *whole duty*. But still, I would make *special* mention of those assigned to important duties, and who performed them well, among whom are Captain John C. Hathaway, commanding that portion of regiment picketing the river; Captain Charles T. Hudson, in charge of advance guard of fourteen (14) picked men, and who led the charge into the enemy's camp; Lieutenants Silas I. Stauber and Henry S. Boutell, who were in command of fifty men each, the latter of whom was *severely* wounded while gallantly leading his men; Lieutenant A. B. Purinton, who had charge of dismounted men, who made the circuit of the enemy's camp; Lieutenants Dickinson and Davis, for general duties as aids; and Lieutenant Bennett, commanding rear guard. All of the above officers are entitled to the highest praise, and, in my judgment, merit promotion. I would also specially mention the names of Corporals Munger, of company C, and Crittenden, of E company, together with Privates James Ballard, C company, Andrew Bee and Daniel Edwards, of L company, who were present at the immediate capture of Davis.

In conclusion, and in compliance with the request of the Adjutant General that I should state in my report to whom, in my judgment, the reward offered by the government ought to be given, I would say that, in view of all the facts, I am convinced that to no *one* individual does it justly belong, for while one man might have been fortunate enough to have said "halt" to Mr. Davis first, it was while he was yet within the regular line of sentries thrown around the camp; and while some man was doing this, (of which there are several claimants,) others were performing equally important duties in guarding, fighting, &c.; and I feel that in no case should the reward be distributed to a less number than the 128 men and 8 officers actually present at the time of the capture. And I am inclined to the opinion that it should be distributed to the 419 men and 20 officers comprising the expedition; and when I say this, I believe I but

utter the wishes of a large majority of both officers and men. For the better guidance of the department, I recapitulate to the following extent, to wit :

Special detail present at capture : 1 lieutenant colonel, 1 captain, 4 first lieutenants, 2 second lieutenants, 128 enlisted men.

Picketing river, scouting country, &c. : 1 captain, 6 first lieutenants, 5 second lieutenants, 291 enlisted men. Total commissioned, 20; total enlisted, 419.

With these remarks, the whole is respectfully submitted, and I have the honor to subscribe myself, very respectfully, your obedient servant,

B. D. PRITCHARD,

Lieutenant Colonel 4th Michigan Cavalry.

Hon. E. M. STANTON,

Secretary of War, Washington, D. C.

Official :

E. D. TOWNSEND,

Assistant Adjutant General.

HEADQUARTERS SECOND DIVISION CAVALRY CORPS,
MILITARY DEPARTMENT OF THE MISSISSIPPI,

Edgefield, Tennessee, July 6, 1865.

GENERAL : Many of the daily papers having published the report of Lieutenant Colonel Harnden, 1st Wisconsin cavalry, of his pursuit of Jeff. Davis, together with the indorsement of Colonel Lagrange, of the same regiment, in which Lieutenant Colonel B. D. Prichard, 4th Michigan cavalry, (brevet brigadier general,) is severely censured for the course which he pursued in capturing the rebel president, I called upon Lieutenant Colonel Pritchard for a report covering the period from his first meeting with Lieutenant Colonel Harnden, at Abbeville, Georgia, to the capture of Davis, together with affidavits from officers bearing on the unfortunate collision between his men and the detachment of 1st Wisconsin cavalry ; in answer to which, I have received a report from Colonel Pritchard, and affidavits from First Lieutenant and Brevet Captain H. S. Boutell, and Second Lieutenant and Brevet First Lieutenant A. B. Purinton, which I beg leave to lay before you without further remark.

I respectfully ask that these documents be given to the public in the same manner as Lieutenant Colonel Harnden's report and Colonel Lagrange's ungenerous indorsement, which have thrown a slur upon the name and character of one of the most honorable and gallant officers in the service, by imputing to him motives entirely at variance with the character of an officer and gentleman.

I am, respectfully, your obedient servant,

ROBERT H. G. MINTY,

Brevet Brigadier General.

The ADJUTANT GENERAL,

War Department, Washington, D. C.

Official :

E. D. TOWNSEND,

Assistant Adjutant General.

HEADQUARTERS FOURTH MICHIGAN CAVALRY,

Nashville, Tennessee, July 2, 1865.

GENERAL : In compliance with your request that I should make a statement of the circumstances and incidents attending the late capture of Jeff. Davis and party, I have the honor to submit the following :

At 8 o'clock on the evening of the 7th of May I left Macon, Georgia, with my regiment, (4th Michigan cavalry,) with verbal orders from yourself, as you will recollect, to proceed down the south bank of the Ocmulgee river from seventy-five (75) miles to one hundred (100) miles, to take possession of all the ferries below Hawkinsville, and scout the country on both sides of the river, as far as the strength of my command would permit, for the purpose of capturing Jeff. Davis, who was reported to be making his way across the country from Washington, Georgia, with a small force and train, or to capture any other government parties who might be fleeing from Richmond in that direction.

It was thought at the time that a point known as Adams on the map (but which has no existence only on paper) would be a good place for the headquarters of one battalion, and Spaulding, a place still further down the river, a good locality for the headquarters of the regiment; but points were to be disregarded if, in my discretion, upon arriving upon the ground, the operations of the command could be rendered more effective by such a course, and was accordingly authorized, in case of pursuit, if necessary, to leave the designated territory entirely.

After a march of seventy-five (75) miles, during which nothing of special interest occurred, the command reached Abbeville about three o'clock on the afternoon of May 9, and where I discovered the first trace of any of the parties for whom we were seeking. At this place I met Lieutenant Colonel Harnden, 1st Wisconsin cavalry, who informed me, as also did the inhabitants, that a train of several wagons and two ambulances had crossed the Ocmulgee river at Brown's ferry, $1\frac{1}{2}$ mile above Abbeville, at twelve o'clock on the previous night, and had halted at Abbeville long enough to feed their animals, and gone on in the direction of Irwinsville before daylight. Colonel Harnden also said that he had been following on the track of this train for some distance on the north side of the river, and was convinced that it belonged to some of the Richmond parties, and thought Mrs. Davis was with it, but did not think Davis himself was with it, as he had been reported travelling by himself, with a small escort. Colonel Harnden reported that he had a force of from seventy (70) to seventy-five (75) men of his regiment (1st Wisconsin) with him, and that they were from one and a half ($1\frac{1}{2}$) to two (2) hours in advance, on the Irwinsville road.

I asked Colonel Harnden if he thought his force sufficient to cope with that supposed to be with the train; if not, I would give him a detail from my regiment. He said that he considered it ample. I then told him it was useless for me to follow on the same road with him, telling him what my orders were, and that I would continue down the river, and act as circumstances might dictate.

Colonel Harnden said that he should press forward to Irwinsville before he encamped, if the train went to that place, saying that the train was in the habit of driving off from the road, when going into camp, sometimes several miles distant.

After this conversation, Colonel Harnden and myself parted, he going to his command, and I moving on down the river road, after sending one company of my regiment, under Lieutenant Fisk, to take possession of Brown's ferry.

There were no plans of action agreed upon between Colonel Harnden and myself, as both of us knew nothing about the roads. I continued to move on down the river for a distance of about three miles, when I found a negro guarding his master's wagon, which had broken down in the road, who gave me an account of the passage of the Davis party over Brown's ferry, stating that, at the time of the crossing, they would allow no lights to be made, not even to enable the ferryman to make change, saying that they would pay him amply for his services, and did pay him a ten-dollar gold piece and a ten-dollar confederate note; also relating other suspicious incidents, which convinced me that either Davis or some other very important personages were with the train. I also

learned of this same negro and a lady living close by, that there were two roads by which Irwinsville might be reached from Abbeville—one, the direct, which Colonel Harnden had taken, and another, leading from the river road in a south-westerly direction, at a point fifteen miles below Abbeville, known as Wilcox's mills. Feeling that no effort on my part should be spared which could aid or insure the capture of what I was now convinced were important parties from the rebel government, I accordingly decided to pursue the party at once by way of the river road, believing that if the party were hard pressed at any time by Colonel Harnden they would abandon the direct road and drive on to any other which might give hopes of escape, and in that case would be liable to drive over on the road by which my command would approach Irwinsville; and if Colonel Harnden pressed forward to Irwinsville, as he said he should, they would fall in between the two commands.

I had no thought at that time of being able to reach Irwinsville in advance of Colonel Harnden, as the distance I would have to march would be from eight to ten miles greater than that travelled by him, and his command was then, at least, two hours on its way. I at once ordered a detail of 150 men of the best mounted in the regiment, but which, on account of jaded horses, was cut down to 128 men and 7 officers, (besides myself;) but I since learn that several men joined the detail irregularly, afterwards, unknown to me, which were not included in the count. With this force I moved at four o'clock p. m., leaving the rest of the regiment under command of Captain Hathaway, with directions to picket the river, &c. The command reached Wilcox's mills at sunset, where I halted one hour, fed, unsaddled, and had the horses groomed. From thence we proceeded by a blind woods road, through an almost unbroken pine forest, for a distance of 18 miles, but found no traces of the train or party before reaching Irwinsville, where we arrived about one o'clock on the morning of May 10, and were surprised to find no traces of either Colonel Harnden or the rebels. The roads were first closely examined in all directions, but no traces of the passage of a train or a mounted force could be discovered; after which I resorted to inquiry, passing to the opposite side of the town from which we had arrived, so that the presence of my command might not be known; and representing ourselves as confederates, it was readily learned from the inhabitants that a party had encamped at sunset that night, from one to one and a half mile out on the Abbeville road, and that some of the men had come into the town during the evening.

At first I thought that it must be the 1st Wisconsin, but upon further inquiry learned that the party had tents and wagons, which I knew was not the case with the 1st Wisconsin; but thinking that there might still be some mistake regarding the character of the party, I gave my officers strict orders with reference to learning the character of all parties before firing upon them; after which I moved the command out to within a half mile of the encampment, impressing a negro for a guide, where I halted the command under cover of a small eminence, and dismounted 25 men and sent them, under command of Lieutenant Purinton, to make the circuit of the camp and gain a position in the rear, for the purpose of cutting off all possibility of escape in that direction, with orders to make the circuit of the camp undiscovered, if possible; but if discovered, and an alarm was raised, to operate upon the camp from any point he might then occupy. My orders were also very special and strict with regard to ascertaining definitely the character of any men whom he might meet before firing upon them, and which orders, I feel confident, he made his best endeavors to carry out, for he not only made the circuit of the camp, as directed, but sent one of his men close to the enemy's camp for the purpose of espying their exact locality and character.

I had directed Lieutenant Purinton, after gaining the position indicated, to

remain perfectly quiet until I should commence the attack from the front, as I had not then determined whether I would charge the camp at once, or wait until daylight should appear; but I finally decided upon the latter course, as the moon was getting low, and it would be easy for prisoners to escape to the woods and swamps in the darkness.

It was about two o'clock in the morning when all dispositions for the attack were completed. After waiting, I should say, fully one hour and a half, and until the appearance of earliest dawn, I put the column in motion, and the advance was enabled to arrive within four or five rods of the tents before discovery, when a dash was made, and in an instant the whole camp was in our possession without firing a shot. We had held possession of the camp but a few minutes—I should say from five to ten—when sharp firing commenced down the Abbeville road, in the direction of my dismounted force; and supposing that Lieutenant Purinton, in advancing upon the camp, had fallen upon the enemy's guard posted in that direction, I immediately ordered forward all my forces, excepting sufficient to guard the train and prisoners.

The firing was across a narrow swamp, and from 80 to 100 rods from the camp. When I arrived on the ground, I found my men engaging a dismounted force, concealed behind trees. I at once formed my men in line and dismounted them, throwing forward a line of skirmishers. The firing was now becoming very sharp on both sides, but from the report of the fire-arms, and the persistence on their part, I became suspicious of the character of our adversaries, as did some of my men, and which called forth remarks to that effect. I immediately ordered my men to cease firing, and rode forward toward our opponents and halloosed to them, asking them who they were, and received the reply, "1st Wisconsin." I also learn that, about this time, Sergeant Wright, of A company, who was with Lieutenant Purinton on the left, discovered that we were fighting our own men, and ran over to their lines in order to stop the firing; but this most lamentable accident was not discovered until it had cost the lives of two good men, and the wounding of Lieutenant Boutell, of the 4th Michigan, and the wounding of several men of the 1st Wisconsin. This sad mistake, which has cast such a mournful shadow over the otherwise bright and glorious success of the expedition, arose principally from the failure of the sergeant in command of the advance guard of the 1st Wisconsin to give a proper response to the challenge of Lieutenant Purinton; for, as soon as I found that we were in advance of the train, and that Colonel Harnden had not reached Irwinsville, as expected, I at once took every precaution necessary, as I supposed, to avoid the possibility of a collision, and instructed my officers thoroughly on that point, and feel that I could have done nothing further, unless I had, after reaching Irwinsville, withdrawn my command, or waited for Colonel Harnden to move, and whom I had good reason to believe *might* have taken some other road, as he had assured me at Abbeville that he should go through to Irwinsville that night. But such a course would undoubtedly have insured the escape of Davis and the principal parties with the train, for Colonel Harnden told me, after the capture, that he did not think he would have captured Davis in the manner his column was moving, as his advance would have given the alarm in time for Davis to escape; and perhaps it would have been better that it should have been so. But I would not censure any one, for I believe each did what he believed to be right at the time and under the circumstances. And I understand that the sergeant in charge of the advance of the 1st Wisconsin had orders to fire upon any force he met, and during the time of the fighting it was so dark that the uniform of the men could not be distinguished.

After allowing the prisoners time to prepare a hasty breakfast, I placed the wounded in one of the ambulances, and the dead in one of the wagons, and started on our return to Macon, arriving at Abbeville on the evening of the same day, where we buried our dead, and performed the last sad rites of the

soldier over his fallen comrades. Resuming our march on the morning of the 11th, we reached Macon on the afternoon of the 13th.

I am, general, respectfully, your obedient servant,

B. D. PRITCHARD,

Lieut. Col. 4th Michigan Cavalry.

Brevet Brigadier General MINTY,

Commanding 2d Division C. C. M. D. M.

Official :

E. D. TOWNSEND,

Assistant Adjutant General.

STATE OF TENNESSEE, *County of Davidson, ss :*

On this 5th day of July, 1865, personally appeared before me Henry S. Boutell, first lieutenant 4th Michigan cavalry, and being duly sworn, says, that on the morning of the 10th day of May, 1865, I was in command of a portion of the detachment of the 4th Michigan cavalry, commanded by Lieutenant Colonel B. D. Pritchard, which captured Jefferson Davis and party near Irwinsville, Georgia; that I took part in the unfortunate engagement which took place between the detachments of the 4th Michigan and 1st Wisconsin cavalry on said morning; that I led the advance of the main column of the 4th Michigan cavalry, which was ordered up from the rebel camp, when the firing commenced between the dismounted force under Lieutenant Purinton, 4th Michigan cavalry, and the 1st Wisconsin; that while moving directly up the road, and before reaching the scene of action, as I supposed, I was met with a heavy volley from an unseen force, concealed behind trees, &c., and from which I received a severe wound, and had one man, (Private Rupert,) of company C, killed; I then halted and commenced forming my men in line, when I saw Colonel Pritchard coming up, and as I was growing weak from loss of blood, I informed him that I was wounded, and rode to the rear. That I have seen the report of Lieutenant Colonel Harnden, commanding the 1st Wisconsin, as printed in the newspapers, in which he states that "he forced back the 4th Michigan cavalry," &c., and that "while the fight was going on between his command and Colonel Pritchard's, a portion of his (Lieutenant Colonel Pritchard's) force captured the train, Jefferson Davis and family;" both of which statements are incorrect, for my forces were neither charged nor driven; and as regards the capture of Davis's camp, &c., it had been in our possession from five to ten minutes before a shot was fired by either party; that after the engagement, I was placed in an ambulance, together with three of the wounded men of the 1st Wisconsin, one by the name of Sykes, corporal company D, (I think)—the others' names I have forgotten; and in this manner we were conveyed to Macon and placed in the same hospital. During the time that we were thus together, I had several conversations with these men regarding the cause of the collision of the forces, in which they invariably attributed all the blame to the sergeant in command of the advance guard of the 1st Wisconsin, for not answering the challenge of Lieutenant Purinton in a proper manner, saying that the whole thing would have been avoided if their first duty sergeant had been in charge of the advance; that they were with the advance guard and heard distinctly Lieutenant Purinton's hail, who asked them what command they belonged to, but do not recollect what they said their sergeant's reply was; and further deponent saith not.

HENRY S. BOUTELL,

First Lieutenant 4th Michigan Cavalry.

Subscribed and sworn to before me, this 5th day of July, 1865.

J. G. DICKINSON,

Adjutant 4th Michigan Cavalry.

Official :

E. D. TOWNSEND, *Ass't Adj't General.*

STATE OF TENNESSEE, *County of Davidson*:

A. B. Purinton, second lieutenant 4th Michigan cavalry, being duly sworn, deposes and says: That I was with that portion of the 4th Michigan cavalry under command of Colonel Lieutenant B. D. Pritchard, engaged in the capture of Jeff. Davis and party, near Irwinsville, Georgia, on the morning of May 10, 1865; that before the attack on the rebel camp I was placed in command of a force of twenty-five (25) dismounted men by Lieutenant Colonel Pritchard, with directions to make the circuit of the rebel camp on the left, to gain a position in the rear of the same, and thus prevent all escape in that direction; to make the circuit if possible undiscovered; but if I was discovered in my movements, and an alarm was raised, I was to move upon the camp from any point which I might then hold or occupy; that if no alarm was raised, he (Lieutenant Colonel Pritchard) would consider that I had gained the position designated, where I was to rest until the attack should be commenced upon the camp, at the same time giving me special orders, and cautioning me to ascertain the character of all parties and men whom I might meet before firing upon them, as the 1st Wisconsin cavalry might be on the road. In obedience to said orders, I successfully executed my mission in gaining the rear of the camp without discovery, when, to ascertain more definitely whom the parties were in the encampment, I sent Sergeant Cavanaugh, company G, to espy out its exact locality, and learn whether they were friends or foes; he reported on returning that the camp was composed of tents and several wagons and ambulances; that there were no guards posted, so that he could judge of their character, &c.; that they had wagons and tents, which was conclusive to my mind that they were confederates, as we had no force in that country with trains or tents. I had held my position for an hour or more, when I heard mounted men approaching us from the rear, as we were then facing towards the camp; when they had approached to within fifteen or twenty rods of my position I discovered that there were six or eight of them, when I stepped out in person and halted them, and received the reply at first "Friends," when I ordered one to ride forward, which they refused to do. I then asked them what command they belonged to, when they replied, "By God, you are the men we are looking for." I then told them if we were the men they were looking for, to come forward, when they immediately wheeled and fled, when I, supposing they must be the enemy, ordered my men to fire on them. In about five minutes I heard a column, as I supposed, approaching, and when they had arrived about at the same point as the others, I halted them, saying, "Halt! Who comes there?" (in a loud tone,) and received no reply, but heard the officer in command give the order in a full and distinct voice, "Prepare to fight on foot," and the command dismounted and formed their line accordingly, during the whole of which time I continued to call to them, asking them who they were, &c., but received no reply. As soon as they had formed their lines, they commenced sending their horses back, and firing at once commenced on both sides. I immediately saw the balance of my regiment coming up from towards the camp, when I moved my command to the left to avoid being between the two fires. Firing did not last but a few minutes, after which I went to the camp with my command. That during all the time this engagement lasted, it was so dark in the woods that it was impossible to distinguish the uniform of the men.

A. B. PURINTON,

Second Lieutenant 4th Michigan Cavalry.

Subscribed and sworn to before me, this 5th day of July, 1865.

J. G. DICKINSON,

Adjutant 4th Michigan Cavalry.

Official:

E. D. TOWNSEND,

Assistant Adjutant General.

ALLEGAN, MICH., *August 28, 1865.*

SIR: I am daily receiving letters of inquiry from men of my regiment in regard to their portion of the reward offered for the capture of Jeff. Davis, but as I have not received a word with reference to the same since I left Washington, the first of June, I am unable to give them any information regarding the same; therefore I intrude to the extent of this note, and would ask (if the information can be given consistent with the requirements of your office) what disposition is proposed by the War Department to be made with it, and what scheme of distribution will be adopted; also, if anything further is required on my part. I would also request in this connexion the privilege of publishing my official reports and statements, since the report of Lieutenant Colonel Harnden, together with the unfair and ungentlemanly indorsement of Colonel La Grange, have been given to the public through the presses of the country. This request was made by General Minty; so he informed me some time since; but as I have heard nothing further from him, I do not know how it was received at the War Department.

Hoping to receive an early reply and that my request may be granted, I have the honor to subscribe myself, very respectfully, your obedient servant,

B. D. PRITCHARD,

Brevet Brigadier General, Allegan, Mich.

E. D. TOWNSEND,

Ass't Adj't Gen. U. S. A., Washington, D. C.

P. S.—I enclose a copy of the disclaimer of Lieutenant Colonel Harnden, that the department may know with whom the spirit of jealousy and malicious envy expressed in the indorsement referred to lies.

B. D. P.

Official :

E. D. TOWNSEND,

Assistant Adjutant General.

[From the Nashville Press and Times of the last of June, 1865.]

A DISCLAIMER.

An article appeared in our paper last week under the head of "Personal," in which, after several sentences commendatory of Brevet Brigadier General Pritchard, the gallant officer whose command captured the "confederacy in petticoats," the following passage occurs: "We shall have something to say hereafter regarding the false and villanous charges made against him by the jealous officer," &c. On Saturday we had a visit from Lieutenant Colonel Henry Harnden, who feared that the public might take the reference as applicable to himself. He authorizes us to say that he neither published nor caused to be published any charges against General Pritchard; that he would disdain to do such an act; and that he knew nothing about his report of the campaign, in which he indulged in no reflections, and the indorsement of Colonel La Grange appearing in the newspaper, until he saw both in print. The warmest relations exist between General Pritchard and Colonel Harnden, and the prompt manner in which the latter has come forward with his disclaimer is creditable alike to his head and heart.

Hon. JOSEPH HOLT, *Judge Advocate General of the United States:*

I have the honor to represent, that, in obedience to orders from Colonel O. H. La Grange, commanding 2d brigade, 1st division of cavalry, military division of the Mississippi, I reported with one battalion of the first Wisconsin cavalry to

Brigadier General Croxton, commanding 1st division of cavalry, military division of the Mississippi, at Macon, Georgia, on the 6th day of May, 1865. My orders from General Croxton were verbal—to proceed in search of Jefferson Davis; to march to Dublin, on the Oconee river; to leave men at the crossroads at Jeffersonville and also at Dublin; to proceed with the rest on towards the Savannah river, unless I could get some trace of Jeff. Davis; in that case, to pursue and capture him if possible.

I left Macon with my command at 6 o'clock p. m. May 6, 1865, marching to Jeffersonville, Twiggs county, where I left Lieutenant Hewitt with thirty men. I continued on toward the Oconee river, marching all night and the next day, arriving at Dublin, Lawrence county, about 5 o'clock p. m. May 7; distance from Dublin fifty-five miles; the roads were very sandy and the day intensely hot; men and horses much exhausted. Before reaching Dublin I sent Lieutenant Clinton off on a side road to Laurel Hill, distant some seventeen miles, with twenty men. I passed during the day many men from the rebel General Johnston's army on their way home. Some of them were mounted and armed. At a place called Thomas's Crossroads I heard of several hundred of them who were all mounted. They had passed about an hour before I arrived. They were a part of a brigade of cavalry from General Johnston's army.

At Dublin I camped near the ferry. About 11 o'clock p. m. Lieutenant Clinton arrived with his men. I could get no information from the whites whatever. About 12 o'clock at night a negro came to me and told me that Jeff. Davis, with his wife and family, had passed through the town that day, going south on the river road. The negro stated that they had eight wagons with them, and that another party had gone down on the other side of the river; that he heard the lady addressed as Mrs. Davis, and one of the gentlemen spoken of as President Davis; that Mr. Davis did not come across the river at the regular ferry with the rest of the party, but that he came over on a small flatboat about three miles lower down the river, and that he was mounted on a fine bay horse; that he did not come through the town, but only up to the outskirts; when the party left he joined them, and all went together. The story of the negro being so straight that I believed it to be true, I detailed Lieutenant Lane, with forty-five men, to remain at Dublin, watch the ferry, and picket the crossroads. May 8, at early dawn, started in pursuit on the Jacksonville road. At Turkey creek I got from a woman information that convinced me that Jeff. Davis was certainly with the party that I was pursuing. Here we entered the pine regions. The country was poor and almost uninhabited. I think that during the day I saw only two or three men after leaving the vicinity of Dublin. It commenced raining in torrents, and after a few hours the track of the wagons could no longer be followed. While endeavoring to find the trail again a citizen came along on horseback. At first he professed to know nothing of any party; but, upon my threatening to press his horse, he said that he had heard of some wagons stopping over night about eleven miles away. This man guided us through the pine woods, in a westerly direction, about a dozen miles, to the place where the wagon party had stopped the previous night. Discharging the guide, we followed the trail a few miles, when we again lost it. Here I found a new guide who, for a consideration, showed us through the swamps of the forks of the Alligator creek over to where the track of the wagons could be plainly followed; continuing on to the crossing of Gum swamp, and it being after dark, we stopped for the night. We had made about forty miles this day, but owing to the great rain it was a hard day's march. The men had no rations except a little cornmeal. May 9, started a little before light, and pressed on through the same wilderness country to the Ocmulgee river; thence down a few miles in a dense swamp to Thomas's ferry, where after some difficulty we crossed over.

An accident to the boat caused a delay of about two and a half hours.

Here I learned that the wagon party had left at 1 o'clock that morning, passing on to the little town of Abbeville, which contained only three families. We stopped to feed the horses with corn. Here I ascertained that the wagons had gone in the direction of Irwinsville. Just as we were leaving Abbeville, four Union soldiers appeared in sight. They informed me that they belonged to the 4th Michigan cavalry, Lieutenant Colonel Pritchard commanding, and that Lieutenant Colonel Pritchard, with his regiment, was advancing on the Hawkinsville road, and not far distant. Believing it to be my duty as an officer to communicate to Lieutenant Colonel Pritchard the information in my possession in regard to Jeff. Davis, I sent Lieutenant Clinton, in charge of the command, forward on the Irwinsville road, going attended only by an orderly, to meet Lieutenant Colonel Pritchard. I gave to Lieutenant Colonel Pritchard all the information in my possession in regard to Jeff. Davis. I informed him that Jeff. Davis and family had passed that morning in the direction of Irwinsville, and that my command had gone on in pursuit; also that a part of his train, with an escort, was still on the east side of the river. Lieutenant Colonel Pritchard informed me that he was out after Jeff. Davis, but, until then, had heard nothing from him, and that his orders were to camp at Abbeville and guard the ferries on the river, offering me, at the same time, some of his men, if I needed them. I declined the offer, as my force was ample; and it was very difficult to get subsistence for men and horses, and neither of our commands had any rations. Parting with Lieutenant Colonel Pritchard about 2 o'clock p. m., I hastened on and overtook my command some eight or ten miles out from Abbeville. We came upon the place where the Davis party had stopped to feed and rest; they had left so recently that their fire was still burning. We passed on until after dark, probably about 9 o'clock, when, coming to water, I ordered a halt, giving orders to graze the horses a short time, as we had no corn, and be ready for an early start. At this time I knew that Mr. Davis's party were not very far away, and so informed my command; but I supposed we were near the Alapaha river, and that the Davis party had probably crossed over. I had been informed that the ford was difficult, and I did not wish to come down to the river in the night for fear of alarming Mr. Davis and enabling him to escape on horseback under cover of the darkness. We had made this day about forty-five miles. May 10, started at 3 a. m. We had marched a mile or so when the advance, under Sergeant Huzzey, (who was an experienced soldier,) was suddenly halted and ordered to dismount. Thinking, of course, he was upon the rebel picket, the sergeant answered, friends, at the same time giving the word to his six men to retreat, when a heavy volley was fired upon him and his party. This was rapidly followed by the second volley. I called for ten men and dashed ahead to where the volley had been fired, when we were greeted by another volley, from what I judged to be from twenty to thirty muskets. It was so dark that I could distinguish no one, and only saw, at this time, the fire from their guns. I then rapidly formed my line, dismounting about one-half of my force. We then pressed on the enemy; after one charge we forced them into a swamp. At this juncture I saw a line of mounted men near, on my left. Ordering Sergeant Horr, with a small party, to pursue the enemy who had disappeared in the swamp, I turned, with my whole remaining force, against their mounted men, who, I saw, greatly outnumbered my own. The firing was continued on both sides with spirit until Sergeant Horr came running to me saying that he had captured a prisoner, and that our opposers were Union troops. I instantly gave orders to stop firing, which was soon followed by a cessation on the part of our opponents. I then rode forward, and the first man I met was Lieutenant Colonel Pritchard. I asked him how he came to be fighting us. He said that after we had parted at Abbeville he had selected a portion of his best mounted men and taken another way, and had got to Irwinsville first, and that the wagon train had just been captured,

near at hand. I inquired of him if Davis was taken; he said that he did not know. He and I then crossed over a narrow strip of swamp, about fifty yards wide, when we found the wagon train and Jeff. Davis and party guarded by a small force of the 4th Michigan cavalry. Ascertaining that the whole party were prisoners, and that my mission was ended, I prepared to return to Macon, where I arrived on the 13th of May, 1865. Of my men, there were wounded Corporal G. W. Sykes, of company D, arm badly shattered near the shoulder; Private C. W. Seely, company D, wounded in the leg severely; Nelson Apley, company D, in the shoulder slightly. This affair took place about twenty-five miles from Abbeville, and within one mile of Irwinsville, Irwin county, Georgia. Of the 4th Michigan cavalry, two men were killed and one officer badly wounded. I will here say that I had no intimation of the presence of any Union troops nearer than Abbeville, and that I believed all the while that we were fighting with Jeff. Davis's escort. Had we not been waylaid and fired upon by the 4th Michigan cavalry, we should, without a doubt, have captured Jeff. Davis even sooner than it was effected. For further information I will refer to my official report made to General Croxton upon my return to Macon. In view of all the facts, I do, for myself and the officers and men of my command who were with me at the time of the capture, claim a due share of the reward offered by the President for the capture of Jefferson Davis.

Respectfully submitted:

HENRY HARNDEN,
Late Lieut. Col. 1st Wis. Cav.

STATE OF WISCONSIN, *Jefferson county, ss:*

Henry Harnden, being duly sworn, on oath says that in the month of May, A. D. 1865, he was in command of the 1st regiment Wisconsin cavalry, and that all the foregoing statements by him made are true.

HENRY HARNDEN.

Subscribed and sworn to before me, this 11th day of December, 1865.

O. F. WEED, *Justice of the Peace.*

STATE OF WISCONSIN, *Jefferson county:*

I, John C. Kelley, clerk of the circuit court in and for the county and State aforesaid, do hereby certify that O. F. Weed, esq., justice of the peace, whose name is subscribed to the certificate or proof of acknowledgment of the annexed instrument, was at the date thereof an acting justice of the peace duly elected and qualified, and duly authorized by law to administer oaths, take and certify acknowledgments, &c.; and further, that I am well acquainted with the handwriting of the said O. F. Weed, and verily believe that the signature thereto is genuine, and that said instrument is executed and acknowledged according to the laws of this State.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this 13th day of December, A. D. 1865.

[L. S.]

JOHN C. KELLEY,
Clerk of Circuit Court, Jefferson County, State of Wisconsin.

STATE OF WISCONSIN, *Green Lake county, ss:*

James J. Aplin, being duly sworn, on oath says that he was a private in company K of the 1st regiment of Wisconsin cavalry; that he acted as orderly for Lieutenant Colonel Henry Harnden, and was with him in the pursuit and capture of Jefferson Davis; that he heard the conversation between Lieutenant Colonel Pritchard and Lieutenant Colonel Hadrnen referred to in the statement

of Lieutenant Colonel Harnden, and that he knows of his own knowledge that all the facts set forth in the whole of said statement are true.

JAMES J. APLIN.

Subscribed and sworn to before me this 14th day of December, 1865.

THOMAS C. RYAN, *Notary Public*.

STATE OF WISCONSIN, *County of Green Lake, ss :*

OFFICE OF THE CLERK OF THE CIRCUIT COURT.

I, Albert Long, clerk of the circuit court aforesaid, do hereby certify that Thomas C. Ryan, esq., whose name is subscribed to the annexed instrument as notary public, was at the date thereof an acting notary public, duly appointed and qualified, and by law authorized to take acknowledgments and administer oaths; that I am acquainted with the handwriting of said notary, and verily believe the signature thereto purporting to be his is genuine; and I further certify that said instrument is executed and acknowledged according to the laws of this State.

Witness my hand and the seal of said court, at Dartford, this 14th day of December, A. D. 1865.

[L. S.]

ALBERT LONG, *Clerk*.

STATE OF WISCONSIN, *Waukesha county, ss :*

Orson P. Clinton, being duly sworn, on oath says, that he was second lieutenant of company B of the 1st regiment of Wisconsin cavalry, and with Lieutenant Colonel Harnden during the pursuit and capture of Jefferson Davis; that he has heard read the foregoing statement made by Lieutenant Colonel Harnden and knows the contents thereof; that the same is true of his knowledge, (except the conversation referred to with Lieutenant Colonel Pritchard, which he verily believes to be true.)

ORSON P. CLINTON.

Subscribed and sworn to before me this 12th day of December, 1865.

C. G. HEATH,

Justice of the Peace, Waukesha County, Wisconsin.

STATE OF WISCONSIN, *Waukesha county, ss :*

I, John Forbes, clerk of the circuit court in and for the county and State above named, do hereby certify that C. G. Heath, esq., before whom the foregoing affidavit was made, and who has thereunto signed his name, was at the date thereof a justice of the peace in and for the county and State aforesaid, duly elected and qualified, and authorized by law to administer oaths; that all his official acts, as such, are entitled to full faith and credit, and that his signature thereto is genuine.

In testimony whereof, I have hereunto signed my name and affixed the seal of the said court, at Waukesha, this 12th day of December, A. D. 1865.

[L. S.]

JOHN FORBES,

Clerk Circuit Court, Waukesha County, Wisconsin.

Official:

E. D. TOWNSEND,

Assistant Adjutant General.

Proclamation.

Whereas it appears, from evidence in the Bureau of Military Justice, that the atrocious murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, were incited,

concerted, and procured by and between Jefferson Davis, late of Richmond, Virginia, and Jacob Thompson, Clement C. Clay, Beverley Tucker, George N. Sanders, William G. Cleary, and other rebels and traitors against the government of the United States, harbored in Canada: Now, therefore, to the end that justice may be done, I, Andrew Johnson, President of the United States, do offer and promise for the arrest of said persons, or either of them, within the limits of the United States, so that they can be brought to trial, the following rewards: One hundred thousand dollars (\$100,000) for the arrest of Jefferson Davis; twenty-five thousand dollars (\$25,000) for the arrest of Clement C. Clay; twenty-five thousand dollars (\$25,000) for the arrest of Jacob Thompson, late of Mississippi; twenty-five thousand dollars (\$25,000) for the arrest of George N. Sanders; twenty-five thousand dollars (\$25,000) for the arrest of Beverley Tucker; ten thousand dollars (\$10,000) for the arrest of William G. Cleary, late clerk of Clement C. Clay.

The Provost Marshal General of the United States is directed to cause a description of said persons, with notice of the above rewards, to be published.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, the 2d day of May, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of the United States of America the eighty-ninth.

ANDREW JOHNSON.

Official copy:

E. D. TOWNSEND,
Assistant Adjutant General.

1917
The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people of the United States. It was organized in 1847 and has since that time been the leading organization of the medical profession in this country. Its members are the physicians, surgeons, dentists, and other medical practitioners who are engaged in the practice of their respective professions in the United States. The Association is organized into various departments and committees, each of which is charged with the duty of promoting the interests of the medical profession and the health of the people. The Association is also engaged in the publication of the Journal of the American Medical Association, which is one of the most important and influential medical journals in the world.

The Journal of the American Medical Association is published weekly, except on Sundays and public holidays. It is published in English and is available to all members of the Association. The Journal contains a wide variety of articles, including original research, clinical reports, and reviews of the literature. It is also a valuable source of information on the latest developments in medicine and the health of the people.

The Journal of the American Medical Association is published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill., U.S.A. The price of the Journal is \$5.00 per annum in advance. Single copies are available for purchase at a special rate. The Journal is also available to libraries and other institutions at a special rate.

The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people of the United States. It was organized in 1847 and has since that time been the leading organization of the medical profession in this country. Its members are the physicians, surgeons, dentists, and other medical practitioners who are engaged in the practice of their respective professions in the United States.

The American Medical Association is a non-profit corporation organized for the purpose of promoting the science and art of medicine and the health of the people of the United States. It was organized in 1847 and has since that time been the leading organization of the medical profession in this country. Its members are the physicians, surgeons, dentists, and other medical practitioners who are engaged in the practice of their respective professions in the United States.

REPORT
OF THE
SECRETARY OF THE TREASURY,
COMMUNICATING.

In compliance with a resolution of the Senate of the 23d instant, a statement of fines, penalties, and forfeitures, returned to the Treasury Department by the collector of the district of Vermont, and the surveyor of the port at Louisville, Kentucky.

JULY 27, 1866.—Read, ordered to lie on the table and be printed.

TREASURY DEPARTMENT, *July 27, 1866.*

SIR: I have the honor, in compliance with a resolution adopted by the Senate on the 23d instant, herewith to transmit a letter from the Commissioner of Customs, enclosing statements of fines, penalties, and forfeitures returned to the Treasury Department by the collector of the district of Vermont, and the surveyor of the port of Louisville, Kentucky, from the 1st day of April, 1864, to the 26th instant, together with a statement of the dates at which the sums due the United States were paid.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. L. S. FOSTER,
President of the Senate.

IN THE SENATE OF THE UNITED STATES,
July 23, 1866.

Resolved, That the Secretary of the Treasury be directed to furnish to the Senate a copy of the accounts of fines, penalties, and forfeitures, returned to the Treasury Department by the collector of the district of Vermont, and the collector of the district of Kentucky, from the first day of April, eighteen hundred and sixty-four, to this date, together with a statement of the dates at which the sums due to the United States thereon were paid into the treasury.

Attest:

J. W. FORNEY,
Secretary.

[Endorsement.]

TREASURY DEPARTMENT,
July 24, 1866.

Respectfully referred to the Commissioner of Customs to furnish the proper statement to enable the Secretary to respond to the within resolution.

J. P. HARTLEY,
Assistant Secretary.

TREASURY DEPARTMENT,

Office of the Commissioner of Customs, July 26, 1866.

SIR: In compliance with a reference from your office to furnish a proper statement to enable the Secretary to report to the Senate a copy of fines, penalties, and forfeitures returned to the Treasury Department by the collector of the district of Vermont and the collector of the district of Kentucky, from the 1st day of April, 1864, to this date, together with a statement of the dates at which the sums due to the United States were paid, I have to state that Kentucky is included in the district of New Orleans. At Louisville there is a surveyor who is designated as acting collector, and renders his accounts as such to the Treasury Department.

I enclose herewith a copy of an abstract of fines, penalties, and forfeitures rendered by Wm. Clapp, late collector of the district of Vermont, which has not yet been adjusted, and is the only account received from him since the 1st day of April, 1864. I also enclose a copy of two different accounts, under two different bonds, of fines, penalties, and forfeitures, rendered by W. D. Gallagher, surveyor of customs at the port of Louisville, Kentucky, which is yet unadjusted, and the only account of fines, &c., received from him since 1st April, 1864.

On the 26th of March, 1866, Mr. Clapp deposited, on account of fines, penalties, and forfeitures, \$17,646 90, and which was covered by warrant 31st March, 1866.

Very respectfully, your obedient servant,

N. SARGENT.

Commissioner of Customs.

Hon. H. McCULLOCH,

Secretary of the Treasury.

*Abstract of fines, penalties, and forfeitures, collected in the District of Vermont
from October, 1862, to March, 1866.*

Oct. 22, 1862	Gross proceeds of sale No. 1.....				\$208 04
	U. S. court fees and charges.....	\$43 78	\$164 26		
	Collector's portion.....		52 01		
	Informer's portion, per voucher 1.....		52 01		
	United States portion			\$60 24	208 04
Jan. 7, 1865	Gross proceeds of sale, No. 8				107 00
	U. S. court fees and charges.....	45 10	61 90		
	Collector's portion.....		26 75		
	Informer's portion, per voucher 8.....		26 75		
	United States portion			8 40	107 00
Aug. 7, 1863	Gross proceeds of sale, No. 11.....				111 53
	U. S. court fees and charges.....	42 07	69 46		
	Collector's portion		27 88		
	Informer's portion, per voucher 11		27 88		
	United States portion			13 70	111 53

Abstract of fines, penalties, &c.—Continued.

Aug. 7, 1863	Gross proceeds of sale, No. 12, per voucher 12.....				\$193 37
	Amount remitted by order of the Secretary of the Treasury under date.....	\$20 00			
	U S. court fees and charges.....	51 02			
		71 02	\$122 35		
	Collector's portion.....		43 34		
Jan. 7, 1865	Informers portion.....		43 35		
	United States portion.....			\$35 66	
					193 37
	Gross proceeds of sale, No. 17, per voucher 17.....				453 22
	U. S. court fees and charges.....	78 68	374 54		
Sept. 2, 1864	Collector's portion.....		93 63		
	Informers portion.....		93 64		
	United States portion.....			187 27	
					453 22
	Gross proceeds received from the clerk of the U. S. courts, Vermont district, on account of seizure No. 18, made at Burlington, Vt., May 2, 1864, viz: 95 casks and 750 cases gin, resulting in a fine imposed by order of the Secretary of the Treasury—order of restitution issued by the said court under date of July 22, 1864.....				32,165 92
Sept. 12, 1864	Collector's portion.....		8,041 48		
	Informers portion, per voucher 18.....		8,041 48		
	United States portion.....			16,082 96	
					32,165 92
	Gross proceeds received from the clerk of the U. S. courts, Vermont district, on account of seizure No. 22, made at Burlington, Vt., June 14, 1864, viz: Barge Emer and iron, resulting in a fine imposed by order of the Secretary of the Treasury—order of restitution issued by the said court under date of August 13, 1864.....				210 97
Jan. 7, 1865	Collector's portion.....		52 74		
	Informers portion, per voucher 22.....		52 74		
	United States portion.....			105 49	
					210 97
	Gross proceeds of sale, No. 24.....				215 00
Jan. 7, 1865	U. S. court fees and charges.....	54 69	160 31		
	Collector's portion.....		53 75		
	Informers portion, per voucher 24.....		53 75		
	United States portion.....			52 81	
					215 00
Jan. 7, 1865	Gross proceeds of sale, No. 25.....				198 00
	U. S. court fees and charges.....	67 50	130 50		
	Collector's portion.....		49 50		
	Informers portion, per voucher 25.....		49 50		
	United States portion.....			31 50	
					198 00

Abstract of fines, penalties, &c.—Continued.

Jan. 7, 1865	Gross proceeds of sale, No. 28.....				\$302 82
	U. S. court fees and charges.....	\$63 40	\$239 42		
	Collector's portion.....		59 85		
	Informer's portion, per voucher 28.....		59 86		
	United States portion.....			\$119 71	302 82
Jan. 7, 1865	Gross proceeds of sale, No. 31....				125 91
	U. S. court fees and charges.....	56 54	69 37		
	Collector's portion.....		31 48		
	Informer's portion, per voucher 31.....		31 48		
	United States portion.....			6 41	125 91
Jan. 7, 1865	Gross proceeds of sale, No. 32....				705 00
	U. S. court fees and charges.....	97 24	607 76		
	Collector's portion.....		151 94		
	Informer's portion, per voucher 32.....		151 94		
	United States portion.....			303 88	705 00
Jan. 7, 1865	Gross proceeds of sale, No. 34....				78 66
	U. S. court fees and charges.....	48 20	30 46		
	Collector's portion.....		15 23		
	Informer's portion, per voucher 34.....		15 23		78 66
	United States portion.....				
Jan. 7, 1865	Gross proceeds of sale, No. 36....				163 24
	U. S. court fees and charges.....	52 54	110 70		
	Collector's portion.....		40 81		
	Informer's portion, per voucher 36.....		40 81		
	United States portion.....			29 08	163 24
Jan. 7, 1865	Gross proceeds of sale, No. 42....				169 67
	U. S. court fees and charges.....	47 59	122 08		
	Collector's portion.....		42 41		
	Informer's portion, per voucher 42.....		42 42		
	United States portion.....			37 25	169 67
Jan. 7, 1865	Gross proceeds of sale, No. 43....				856 17
	U. S. court fees and charges.....	85 76	770 41		
	Collector's portion.....		192 60		
	Informer's portion, per voucher 43.....		192 61		
	United States portion.....			385 20	856 17
Jan. 7, 1865	Gross proceeds of sale, No. 50....				183 30
	U. S. court fees and charges.....	44 45	138 85		
	Collector's portion.....		45 82		
	Informer's portion, per voucher 50.....		45 83		
	United States portion.....			47 20	183 30
	Total amount U. S. portion.....			17,506 76	

The United States in account current with W. D. Gallagher, surveyor of customs and designated depository of public moneys at the port of Louisville, from July 27, 1864, to June 30, 1865, under official bond dated July 27, 1864.

Dr.	Cr.
Fines, penalties, and forfeitures deposited, as per schedule E...	\$17,288 86
Expenses of copying decrees of court.....	27 65
Total.....	17,316 51
To balance.....	16 77
	Fines, penalties, and forfeitures received, as per schedule D...
	Balance.....
	Total.....
	\$17,299 74
	16 77
	17,316 51

W. D. GALLAGHER, Surveyor, &c.

DISTRICT OF LOUISVILLE, KENTUCKY, November 29, 1865.

TRANSCRIPT No. —.

The Treasurer of the United States in account current with W. D. Gallagher, surveyor of customs of the United States at Louisville, Ky.

Date.	Amount of fines, penalties, &c., deposited.	Lawful money of the United States.	Date.	From June 27, 1864, to June 30, 1865.	Lawful money of the United States.
1864. Dec. 14	Deposited to the credit of Treasurer of the United States:	\$1,377 17	1864. Dec. 14	Informations 180, 191, 195, 196, 203	\$1,377 17
1865. Jan. 5	Informations 180, 191, 195, 196, 203		1865. Jan. 5	Informations 136, 95, 184, 194.....	851 83
5	Informations 136, 95, 184, 194.....	851 83	5	Information 185.....	332 39
5	Information 185.....	332 39	5	Information 99.....	500 00
5	Information 99	500 00	5	Information 192.....	698 84
5	Information 192.....	698 84	5	Information, United States vs. McAlister	2,171 77
13	Information, United States vs. McAlister	2,171 77	13	Information 138 vs. Hart Gibson.....	6,074 19
12	Information 138 vs. Hart Gibson.....	6,074 19	12	Information 188 to 237, inclusive.....	5,069 92
18	Information 188 to 237, inclusive.....	5,069 92	18	Information, United States vs. Rosenfield.....	212 75
19	Information, United States vs. Rosenfield	212 75	19	Total.....	17,288 86
	Total.....	17,288 86			

The United States' proportion of fines, penalties, and forfeitures under W. D. Gallagher, official bond dated July 27, 1864.—Schedule D.

Information 180.....	\$769 15
Information 191.....	80 47
Information 195.....	218 00
Information 196.....	157 91
Information 203.....	162 53
Information 95.....	236 79
Information 184.....	22 05
Information 194.....	592 99
Information 185.....	332 39
Information 99.....	500 00
Information 192.....	698 84
Information 561.....	2,171 77
Information 138.....	6,074 19
Information 188.....	1,582 06
Information 189.....	284 19
Information 219.....	305 07
Information 222.....	55 59
Information 223.....	113 95
Information 225.....	433 40
Information 226.....	1,140 38
Information 228.....	667 16
Information 230.....	42 06
Information 236.....	198 90
Information 237.....	247 15
Information, Rosenfield.....	212 75
Total.....	<u>17,299 74</u>

DISTRICT OF LOUISVILLE, KENTUCKY,
November 29, 1865.

The United States in account current with W. D. Gallagher, surveyor of customs and designated depositary of public moneys at the port of Louisville, from the 27th day of April, 1863, to the 26th day of July, 1864, under bond dated July 28, 1863.

DR.

CR.

Fines, penalties, and forfeitures deposited, as per schedule C...	\$49,466 57	Fines, penalties, and forfeitures received, as per schedule D....	\$50,100 54
Expenses copying decrees of court.....	27 25		
Balance.....	606 72		
	<u>50,100 54</u>		<u>50,100 54</u>
		Balance.....	<u>606 72</u>

W. D. GALLAGHER, Surveyor, &c.

DISTRICT OF LOUISVILLE, KY., November 29, 1865.

SCHEDULE C.—TRANSCRIPT No. —.

The Treasurer of the United States in account current with W. D. Gallagher, surveyor of customs of the United States at Louisville, Ky.

DR.

CR.

Date.	Account of fines, penalties, and forfeitures deposited.	Lawful money of the United States.	Date.	From April 28, 1863, to July 27, 1864.	Lawful money of the United States.
1863. Sept. 4	Amount deposited to the credit of the Treasurer of the United States.....	\$110 20	1863. Sept. 4	Amount received from A. J. Ballard, clerk of the United States court. Information 36.....	\$110 20
8	Amount deposited to the credit of the Treasurer of the United States.....	533 40	8	Amount received from A. J. Ballard, clerk of the United States court. Information 32.....	533 40
1864. Jan. 19	Proceeds of five 5-20 bonds.....	5,000 00	Dec. 15 1864.	Amount received from A. J. Ballard, clerk of the United States court. Informations 76 and 77.	33,669 31
21	Proceeds of twenty-nine 5-20 bonds.....	29,000 00	Jan. 12	Information 123 <i>vs.</i> 124 packages groceries.....	507 00
12	Information 123 <i>vs.</i> 124 packages groceries.....	507 00	13	Information 101 to 109, inclusive.....	3,451 12
13	Information 101 to 109, inclusive.....	3,451 12	Mar. 17	Information 137.....	369 58
Mar. 17	Information 137.....	369 58	June 14	Balance of net proceeds of confiscated goods.....	10,495 27
June 14	Balance of net proceeds of confiscated goods.....	10,495 27		Balance.....	330 69
				This is the difference paid between the deposit, December 15, 1863, \$33,669 31. And the thirty-four 5-20 bonds charged January 19 and 21, 1864, \$34,000.	
		<u>49,466 57</u>			<u>49,466 57</u>

SCHEDULE D.

United States' proportion of all fines, penalties, and forfeitures under W. D. Gallagher's official bond, dated July 28, 1863.

Information O.....	\$50 50
Information 36.....	110 19
Information 32.....	533 38
Information 76 and 77.....	33,669 31
Information 123.....	506 98
Information 101.....	47 26
Information 102.....	140 51
Information 103.....	
Information 104.....	122 14
Information 105.....	40 84
Information 106.....	1,172 99
Information 107.....	1,185 71
Information 108.....	14 97
Information 109.....	103 15
Information 88.....	120 09
Information 111.....	201 13
Information 120 and 132.....	431 39
Information 125.....	387 29
Information 124.....	1 01
Information 119.....	165 41
Information 122.....	
Information 141.....	28
Information 142.....	40 90
Information 133.....	93 78
Information 58.....	764 65
Information 114.....	861 40
Information 90.....	922 08
Information 75.....	119 55
Information 5.....	31 85
Information 110.....	
Information 115.....	1,821 44
Information 118.....	260 90
Information 126.....	
Information 163.....	1,014 93
Information 175.....	456 93
Information 137.....	369 58
Information 18.....	2,210 16
Information 152.....	145 74
Information 172.....	
Information 173.....	
Information 164 and 174.....	244 45
Information 167.....	
Information 169.....	
Information 66.....	1,737 67
	50,100 54

Senate documents

Bd.: [223,2.] 1865/66 (1866) = Congress 39, Sess. 1

Washington, DC 1866

Am.b. 3040-223,2

urn:nbn:de:bvb:12-bsb11037396-4